

AGENDA

COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC

April 02, 2013

Aldermen Katsiantonis, Osborne,
Long, Roy, Gamache

6:15 p.m.

Aldermanic Chambers
City Hall (3rd Floor)

1. Chairman Katsiantonis calls the meeting to order.
2. The Clerk calls the roll.
3. The Traffic Division and Parking Division have submitted an agenda which needs to be addressed:

RESCIND Parking One Hour – City Business only- 8am-5pm

Market St., north side, from a point 16 feet west of Hampshire Lane to a point 68 feet west. (ORD 7957)

Alderman Long

Parking One Hour for City Hall Business only, Monday-Friday, 8:00 a.m.-8:00 p.m.

Market Street, north side, from a point 16 feet west of Hampshire Lane to a point 68 feet west.

Alderman Long

Parking for City Hall Business only – Monday-Friday – 8:00 a.m.-8:00 p.m.

Hampshire Lane, west side, from a point 50 feet south of Stark Street to a point 112 feet south of Stark Street

Alderman Long

Gentlemen, what is your pleasure?

4. Discussion relative to the development of guidelines for the use of Arms Parking Lot and Arms Park.

5. Request from the American Cancer Society for the use of Arms Parking Lot on Sunday, October 20, 2013, for a walk event.
Gentlemen, what is your pleasure?
6. Request from the Alzheimer's Association of NH for the use of Arms Parking Lot on Saturday, September 28, 2013, for a walk event.
Gentlemen, what is your pleasure?
7. Communication from Denise Boutilier, Parking Manager, requesting jurisdiction over the parking lot on Merrimack Street at the vacant police building and permission to sign the lot appropriately.
Gentlemen, what is your pleasure?
8. Request from Alderman Craig for installation of stop signs on Crosbie Street at the intersection of Pickering Street.
Gentlemen, what is your pleasure?
9. Communication from Attorney John Cronin regarding the closure of a city right-of-way for private restaurant operations.
Gentlemen, what is your pleasure?
10. Communication from Gary Harper, The Derryfield School - Director of Facility Operations, regarding concerns with traffic safety at the intersections of River Road/Bicentennial Drive and River Road/Union Street.
Gentlemen, what is your pleasure?

TABLED ITEMS

(A motion is in order to remove any item from the table.)

11. Communication from Attorney Wenners requesting a review of parking on City sidewalks on Amherst Street.
(Note: Tabled 2/04/2013.)

12. Discussion regarding the discontinuances and closures of city streets.
(Note: Tabled 12/03/2012; Public Works Director to provide a plan for traffic and street closure on Hayward Street. Referred by the board on 11/20/2012; Communication and a neighborhood petition has been submitted by Phil LeBlanc.)
13. Discussion regarding restrictions, policies and penalties for aggressive animals and animal attacks.
(Note: Retabled 3/4/2013; Alderman Long to report back to the committee regarding the attached proposal. Originally tabled 8/6/2012.)
14. Communication from Alderman Arnold requesting reconsideration of the upgrade of the intersection at Dunbarton Road and Front Street to a full traffic signal.
(Note: Tabled 10/1/2012)
15. Communication from Alderman Arnold regarding parking regulations on Country Club Drive.
(Note: Tabled 2/04/2013.)
16. If there is no further business, a motion is in order to adjourn.



City of Manchester Parking Division

Denise Boutilier
Parking Manager
dboutilier@manchesternh.gov

March 12, 2013

Chairman Thomas Katsiantonas
Committee on Public Safety, Health and Traffic
1 City Hall Plaza
Manchester, NH 03101

RE: Request to use Arms Lot
Sunday, 10/20/13
Making Strides against Breast Cancer

Dear Chairman Katsiantonas:

I have received the following request for the Committee's review.

Kelly Heinze, organizer, is requesting the use of Arms Parking Lot as the site for their Annual Making Strides Against Breast Cancer walk on Sunday, October 20, 2013 from 8am-5pm.

Milly's Tavern, Cotton and UNH have been notified and have no issues with this event, other than they provide enough portable toilets.

If you have any questions, please don't hesitate to ask.

Sincerely,

Denise Boutilier
Parking Manager

cc: Bill Sanders, Finance Director

Boutilier, Denise

From: kelly.heinze@cancer.org
Sent: Monday, March 11, 2013 12:13 PM
To: Boutilier, Denise
Subject: Arms Park Formal Request: Making Strides Against Breast Cancer

Dear Denise,

I am seeking permission to again use Arms Park as the site for our annual Making Strides Against Breast Cancer walk on Sunday October 20, 2013 from 8am-5pm, with registration starting at 11am and the walk beginning at 1pm.

We are seeking the same use of the property that has been granted to us in the past. As we have in previous years, we will be respectful of your property and hospitality and leave the premises in a clean and orderly condition. I will be personally on-site or available via cell phone (267 394 1990) during the time we are using your facility,

Making Strides Against Breast Cancer is a well-known event throughout the state, taking place in 8 cities. The event is more than just another walk to raise money. Women of all ages and their families see this as a chance to fight back against a disease that touches so many. We are hopeful that the city of Manchester and Arms Park will again choose to partner with the American Cancer Society to carry out this vital mission.

If you have any questions, please don't hesitate to contact me at any time. I look forward to hearing from you. Thank you for your consideration.

Sincerely,
Kelly Heinze

Kelly Heinze | Community Executive Development
New England Division | American Cancer Society, Inc.
2 Commerce Drive Suite #110
Bedford, NH 03110
Phone: 603.471.4106 | Fax: 603.472.7093
cancer.org | 1.800.227.2345



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City of Manchester Parking Division

Denise Boutilier
Parking Manager
dboutilier@manchesternh.gov

March 13, 2013

Chairman Thomas Katsiantonas
Committee on Public Safety, Health and Traffic
1 City Hall Plaza
Manchester, NH 03101

RE: Request to use Arms Lot
Saturday, September 28, 2013
Alzheimers' Association

Dear Chairman Katsiantonas:

I have received the following request for the Committee's review. I've attached their request.

Rick Singer, advocate for the Alzheimers' Association of NH , is requesting a portion of the Arms Parking Lot for their annual Walk to End Alzheimers scheduled for September 28, 2013 from 830am to late afternoon.

Milly's Tavern, Cotton and UNH have been notified and have no issues other than enough portable toilets are brought in for the event.

If you have any questions, please don't hesitate to ask.

Sincerely,

Denise Boutilier
Parking Manager

cc: Bill Sanders, Finance Director

March 12, 2013

City of Manchester – Parking Department
Attn: Denise Boutilier
25 Vine Street
Manchester, NH 03103

Dear Ms. Boutilier,

I am writing to request approval for the Alzheimer's Association to host the Walk to End Alzheimer's at Arms Park in Manchester on Saturday September 28, 2013. The Walk to End Alzheimer's is the Association's largest fundraising and public awareness event and we expect to attract 1500 to 2000 attendants to participate in Manchester. This will be our 6th year of hosting the Walk in downtown Manchester and the 2nd year at the Arms Park location.

The walk will include two routes, one of one and a half miles and one of three miles, both of which will be routed through downtown Manchester on Elm Street. I have included copies of the routes of last year's walk for your review. Just as last year we will work with the Parks, Police, Fire, Highway and Health departments to ensure the safety of all participants.

We expect that we would be using the same amount of space in the parking lot as we did last year, which is approximately one quarter of the lot at the northwest corner of the lot. We would work with the Highway Department as we did in the past to obtain barriers to both secure the area for our participants and to allow for access to other parts of the parking lot by the public.

The Parking Lot use would start Friday evening after cars are gone when we would block off the area of use for our participants. Early Saturday morning we would set up for the participants with registration starting at 8:30 and the walk itself beginning at 10:00. The event will be concluded by early afternoon with the lot emptied of all of our items and returned to general use by late afternoon or early evening. In the area of our use we expect to set up tents for vendors as well as have entertainment and food for the walkers.

Proceeds from the event are used to fund research to find a cure for Alzheimer's as well as to aid the many services the Alzheimer's Association provides to those living with and caring for people with the disease.

Please let me know if there is any other information I can provide to help us secure the approval for the use of Arms Park for this important event.

Sincerely,



Rick Singer

Advocate

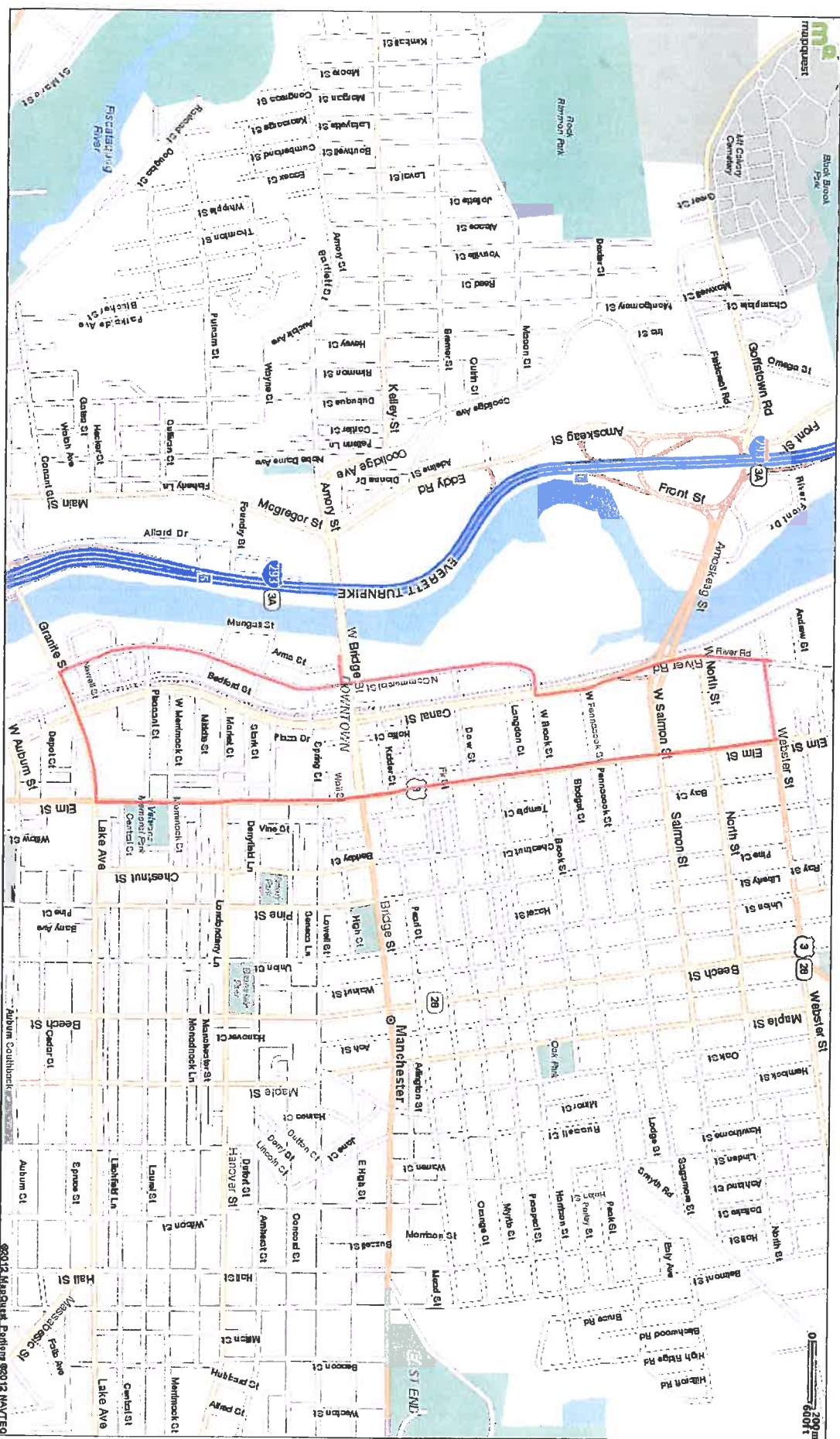
Alzheimer's Association of NH

Alzheimer's Long Walk

Starts in Manchester, New Hampshire


3.27
miles

Elevation
269ft Max 144ft Min +115ft -121ft < 3 %



Description

Starts In Manchester, New Hampshire

Elevation	Ascent	Descent	Max Climb	Climbs
246ft Max	144ft Min	+92ft -85ft	2.3 %	



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City of Manchester Parking Division

Denise Boutilier
Parking Manager
dboutilier@manchesternh.gov

March 6, 2013

Chairman Thomas Katsiantonis
Committee on Public Safety, Health and Traffic
1 City Hall Plaza
Manchester, NH 03101

Dear Chairman Katsiantonis:

The side lot attached to the Pine St. parking lot, across from the Manchester Police Department on Merrimack St., is currently vacant. It was used to house MPD city/personal vehicles when they were in the building at 300 Chestnut St.

Numerous vehicles are now parking in that lot and currently, there is no enforcement or ordinances governing parking.

It was recommended by City Solicitor Tom Clark, that the Parking Division request, through this committee, jurisdiction over that lot and sign the lot appropriately.

I recommend that the lot be used for 10 hour metered parking.

We will be installing a pay and display on Merrimack St. for the spaces that were approved by the committee and BMA to be used as metered parking and users can easily pay the meter and park in the lot. These meters were passed as 10 hour metered parking to be enforced 8am-8pm Monday-Friday@ .75.

Gentleman, what is your pleasure?

Sincerely,

Denise Boutilier
Parking Manager



CITY OF MANCHESTER

Board of Aldermen



TO: Alderman Tom Katsiantonis
Chair of the Public Safety, Health and Traffic Committee

Cc: Public Safety, Health and Traffic Committee members

From: Alderman Joyce Craig *JAC*

Date: March 11, 2013

RE: Stop sign request on Crosbie Street

I am respectfully requesting your approval to install stop signs on Crosbie Street at the intersection of Pickering Street. Last week I met with four residents and they shared stories where either they or their cars had been sideswiped by cars zooming down Crosbie Street between DW Highway and Fairfield Street. In addition, I have attached letters from residents, so you can read for yourself about the fears and concerns caused by the speeding cars. There are a number of elderly folks as well as handicapped individuals who live in this area and they are concerned for their safety as they are not able to move as swiftly as they used to. There is also a slight incline in the road which makes visibility especially difficult. Lastly, as traffic has increased along Webster Street, Crosbie Street has turned into more of a cut-through for motorists to get around traffic delays and traffic lights on DW Highway.

I would like to note two things:

1. There are currently stop signs on Pickering Street at the intersection of Crosbie Street, so this request would make it a 4-way stop sign intersection. It's important to note that there is very little traffic going north and south on Pickering at this intersection.
2. I requested that Jim Hoben, Deputy Traffic Director, do a multi-way stop sign review and it found the intersection did not meet the minimum threshold criteria for traffic accidents, traffic volumes and speeds, or a combination thereof. (Study is attached)

I have seen the speeding cars as described by the residents and I believe the addition of stop signs along Crosbie Street, at the intersection of Pickering Street, will force cars to slow down. I want to do everything I can to ensure the safety of the residents while at the same time enhancing their quality of life.

Thank you for your time and consideration.

A Note For You

3-8-13

Attn. Joyce Craig

My name is

Joanne Adamakis, residing at 134 Cuskie Street. I am a handicapped individual & have difficulty getting out of my driveway. Therefore,

I am in favor of having a stop sign installed.

Jr. Adamakis



Joyce Craig

Joining the neighbors to ask you to put on a stop sign on Buckering Street, I'm handicapped and live at the end of Cuskie & Fairfield Street and know the trouble I have getting off my driveway. Also Phil Anderson has MS, in a wheel chair, he doesn't go out in winter, I'm concerned what could happen when he's on the street.

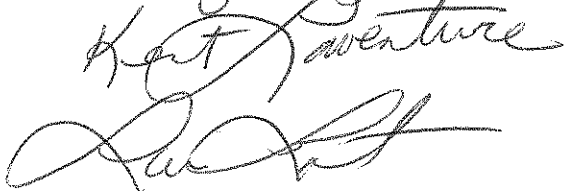
Thank You for your consideration.

Mrs. Donna Glenn
157 Cuskie St.

March 7, 2013

To whom it May Concern,

My wife and I reside at 122 Crosbie Street. We have resided here for approximately fifteen years. I can site countless times when there have been vehicles speeding up and down Crosbie Street between the light on Kosksett Road to the intersection of Crosbie Street and Fairfield Street. I have an eight year old son who cannot ride his bicycle on the street near our home, due to the fact that he would be risking serious bodily injury if he did so due to the danger that these speeding motor vehicles pose. One significant measure that would assist in alleviating this safety concern in our neighborhood would be to place a stop sign on each side of the intersection of Crosbie Street and Pickering Street. This would force these speeding drivers to slow down between the two intersections referred to above and thus reduce the risk to us, the residents of Crosbie Street. My wife and I are both in full support of my plan that would lead to the installation of these stop signs.

Sincerely, Kent Lawrence


3-18-13

I am in favor of having a STOP
Sign at the corner of Crosbie ST. and
Pickering ST. due to the heavy traffic
and excessive speed.

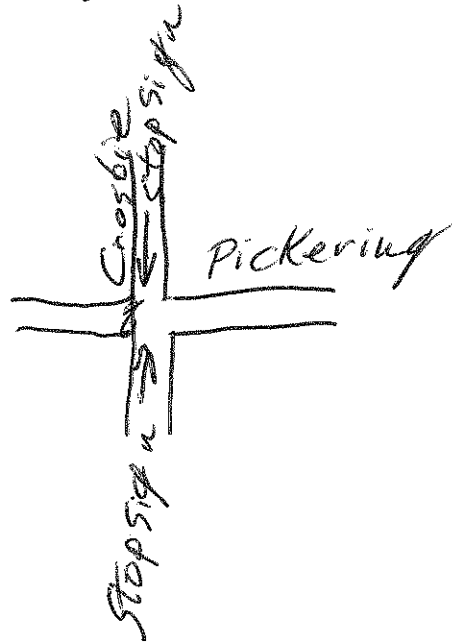
Lisa Horion

Lisa Horion

We are deeply concerned with volume along with speed which contribute to a very hazardous condition, we have definitely had problems working on our property without fear of being hit. We feel that stop signs on Crosbie St are needed to correct this fearful situation when we moved here 45 yrs ago it was a small neighborhood but after all the homes built, the traffic situation completely changed, along with people's driving habits

Thank you for working for us
Alfred & Carol Boisvert

For safety reasons stop signs should be placed on Crosbie St (east & west) at the corner of Crosbie & Pickering Sts.



Brian Moran
73 Crosbie St.
Manchester, N.H.
03104

March 7, 2013

To whom this may concern:

My husband & I have been living @ 115 Craskie St for 8 years now & have noticed the changes in our neighborhood.

The traffic & noise have increased tremendously. The speeding is ridiculous, hardly anyone, except the neighborhood residents stop at the stop sign.

In my opinion, the perfect solution would be to close off access to Burger King from our street, it would also decrease the trash left all over our properties. Another possibility would be to get 4-Way stop signs put up.

We would appreciate any assistance you could provide us.

Thank you for your time.

Sincerely,
Claire & Leroy Bouchard

PICKERING STREET AND CROSBIE STREET MULTI-WAY STOP REVIEW

BACKGROUND

Alderman Joyce Craig requested the Traffic Division to study the intersection of Pickering Street and Crosbie Street. There were reports of speed on Crosbie Street that prompted the request. This intersection is located on the edge of a residential neighborhood. Hooksett Road is located several hundred feet west and Crosbie Street intersects it at a signalized intersection. There is a high volume of traffic at this intersection for most of the day. Crosbie Street runs east and west and is uncontrolled. Pickering Street runs north and south and is controlled by stop signs. Pickering Street intersects Crosbie Street at 90 degrees. Parking is restricted on Crosbie Street, from Pickering Street to Hooksett Road. Parking is restricted on the west side of Pickering Street from Crosbie Street to Day Street. Several months ago, brush was removed that was causing a sight problem. Visibility is no longer a problem. There are no pavement markings present. Crosbie Street serves residents of the area as well as some cut-through motorists.

ACCIDENT HISTORY

2006	-
2007	-
2008	-
2009	-
2010	-
2011	-
2012	-

The last accident was in 1994.

The Manchester Police Department Traffic Unit provided the accident history. The accident history does not meet the minimum threshold criteria prescribed in the warrants.

VOLUME AND SPEED

The volume and speed summary, herein enclosed, indicates that the volume criteria are not met as the total intersection volume is below the minimum threshold level. In addition, it does not exceed the 85th percentile approach speed criteria.

ANALYSIS

The MUTCD warrant analysis provides several layers of criteria for recommending multi-way stop signs. This includes 1) Traffic accidents; 2) Traffic volumes and speeds; 3) Combination of accidents, traffic volumes and speeds. We are responsible for review and recommendation based on the industry established procedures and recognized standards. We, from a professional standpoint, are obligated to recommend against a permanent all-way stop sign installation as it does not meet the minimum threshold criteria prescribed in the warrants.

RECOMMENDATION

- Periodically, increase police enforcement of speed limit

ATTACHMENTS

2009 MUTCD Section 2B.07 Multi-way stop applications

Locus map

Intersection photos

Aerial photo

Speed and volume reports

Date: August 1, 2012

Prepared by: Jim Hoben – Deputy Traffic Director

Reviewed by: Kevin Sheppard – Public Works Director

- 11 Except as provided in Section 2B.09, STOP signs and YIELD signs shall not be installed on different approaches to the same unsignalized intersection if those approaches conflict with or oppose each other.
- 12 Portable or part-time STOP or YIELD signs shall not be used except for emergency and temporary traffic control zone purposes.
- 13 A portable or part-time (folding) STOP sign that is manually placed into view and manually removed from view shall not be used during a power outage to control a signalized approach unless the maintaining agency establishes that the signal indication that will first be displayed to that approach upon restoration of power is a flashing red signal indication and that the portable STOP sign will be manually removed from view prior to stop-and-go operation of the traffic control signal.
- Option:
- 14 A portable or part-time (folding) STOP sign that is electrically or mechanically operated such that it only displays the STOP message during a power outage and ceases to display the STOP message upon restoration of power may be used during a power outage to control a signalized approach.
- Support:
- 15 Section 9B.03 contains provisions regarding the assignment of priority at a shared-use path/roadway intersection.

Section 2B.05 STOP Sign (R1-1) and ALL WAY Plaque (R1-3P)

Standard:

- 01 When it is determined that a full stop is always required on an approach to an intersection, a STOP (R1-1) sign (see Figure 2B-1) shall be used.
- 02 The STOP sign shall be an octagon with a white legend and border on a red background.
- 03 Secondary legends shall not be used on STOP sign faces.
- 04 At intersections where all approaches are controlled by STOP signs (see Section 2B.07), an ALL WAY supplemental plaque (R1-3P) shall be mounted below each STOP sign. The ALL WAY plaque (see Figure 2B-1) shall have a white legend and border on a red background.
- 05 The ALL WAY plaque shall only be used if all intersection approaches are controlled by STOP signs.
- 06 Supplemental plaques with legends such as 2-WAY, 3-WAY, 4-WAY, or other numbers of ways shall not be used with STOP signs.
- Support:
- 07 The use of the CROSS TRAFFIC DOES NOT STOP (W4-4P) plaque (and other plaques with variations of this word message) is described in Section 2C.59.

Guidance:

- 08 Plaques with the appropriate alternative messages of TRAFFIC FROM LEFT (RIGHT) DOES NOT STOP (W4-4aP) or ONCOMING TRAFFIC DOES NOT STOP (W4-4bP) should be used at intersections where STOP signs control all but one approach to the intersection, unless the only non-stopped approach is from a one-way street.

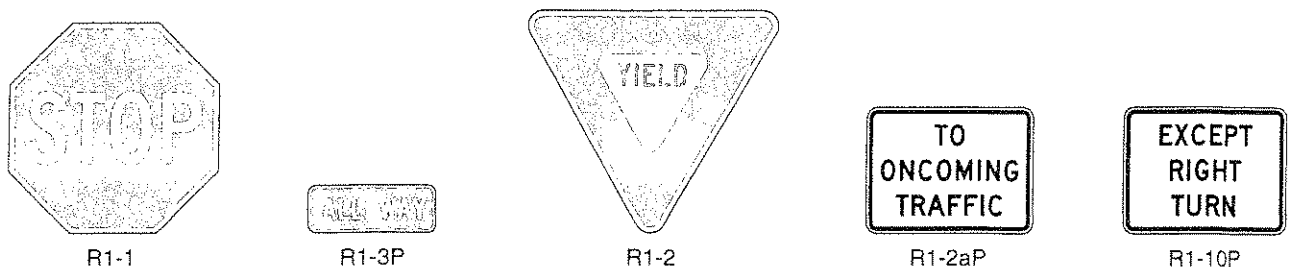
Option:

- 09 An EXCEPT RIGHT TURN (R1-10P) plaque (see Figure 2B-1) may be mounted below the STOP sign if an engineering study determines that a special combination of geometry and traffic volumes is present that makes it possible for right-turning traffic on the approach to be permitted to enter the intersection without stopping.

Support:

- 10 The design and application of Stop Beacons are described in Section 4L.05.

Figure 2B-1. STOP and YIELD Signs and Plaques



Section 2B.06 STOP Sign Applications

Guidance:

- 01 *At intersections where a full stop is not necessary at all times, consideration should first be given to using less restrictive measures such as YIELD signs (see Sections 2B.08 and 2B.09).*
- 02 *The use of STOP signs on the minor-street approaches should be considered if engineering judgment indicates that a stop is always required because of one or more of the following conditions:*
 - A. *The vehicular traffic volumes on the through street or highway exceed 6,000 vehicles per day;*
 - B. *A restricted view exists that requires road users to stop in order to adequately observe conflicting traffic on the through street or highway; and/or*
 - C. *Crash records indicate that three or more crashes that are susceptible to correction by the installation of a STOP sign have been reported within a 12-month period, or that five or more such crashes have been reported within a 2-year period. Such crashes include right-angle collisions involving road users on the minor-street approach failing to yield the right-of-way to traffic on the through street or highway.*

Support:

- 03 *The use of STOP signs at grade crossings is described in Sections 8B.04 and 8B.05.*

Section 2B.07 Multi-Way Stop Applications

Support:

- 01 *Multi-way stop control can be useful as a safety measure at intersections if certain traffic conditions exist. Safety concerns associated with multi-way stops include pedestrians, bicyclists, and all road users expecting other road users to stop. Multi-way stop control is used where the volume of traffic on the intersecting roads is approximately equal.*
- 02 *The restrictions on the use of STOP signs described in Section 2B.04 also apply to multi-way stop applications.*

Guidance:

- 03 *The decision to install multi-way stop control should be based on an engineering study.*
- 04 *The following criteria should be considered in the engineering study for a multi-way STOP sign installation:*
 - A. *Where traffic control signals are justified, the multi-way stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.*
 - B. *Five or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop installation. Such crashes include right-turn and left-turn collisions as well as right-angle collisions.*
 - C. *Minimum volumes:*
 - 1. *The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day; and*
 - 2. *The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour; but*
 - 3. *If the 85th-percentile approach speed of the major-street traffic exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the values provided in Items 1 and 2.*
 - D. *Where no single criterion is satisfied, but where Criteria B, C.1, and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this condition.*

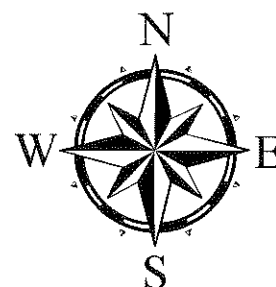
Option:

- 05 *Other criteria that may be considered in an engineering study include:*
 - A. *The need to control left-turn conflicts;*
 - B. *The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;*
 - C. *Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop; and*
 - D. *An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multi-way stop control would improve traffic operational characteristics of the intersection.*



LOCUS MAP
**CROSBIE STREET
AT PICKERING STREET**

CITY OF MANCHESTER
DEPARTMENT OF HIGHWAYS

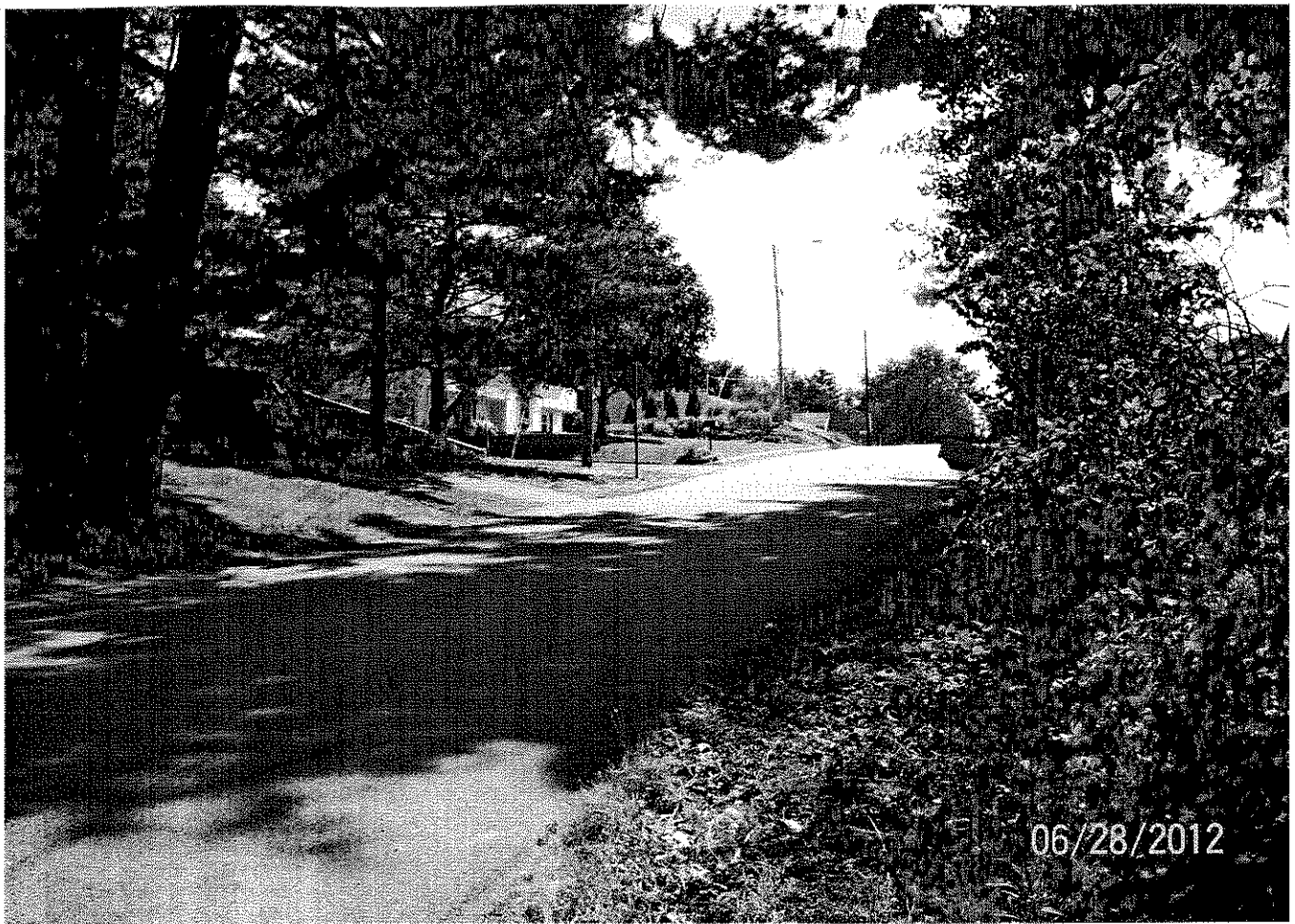




**CROSBIE STREET
EAST OF PICKERING STREET**



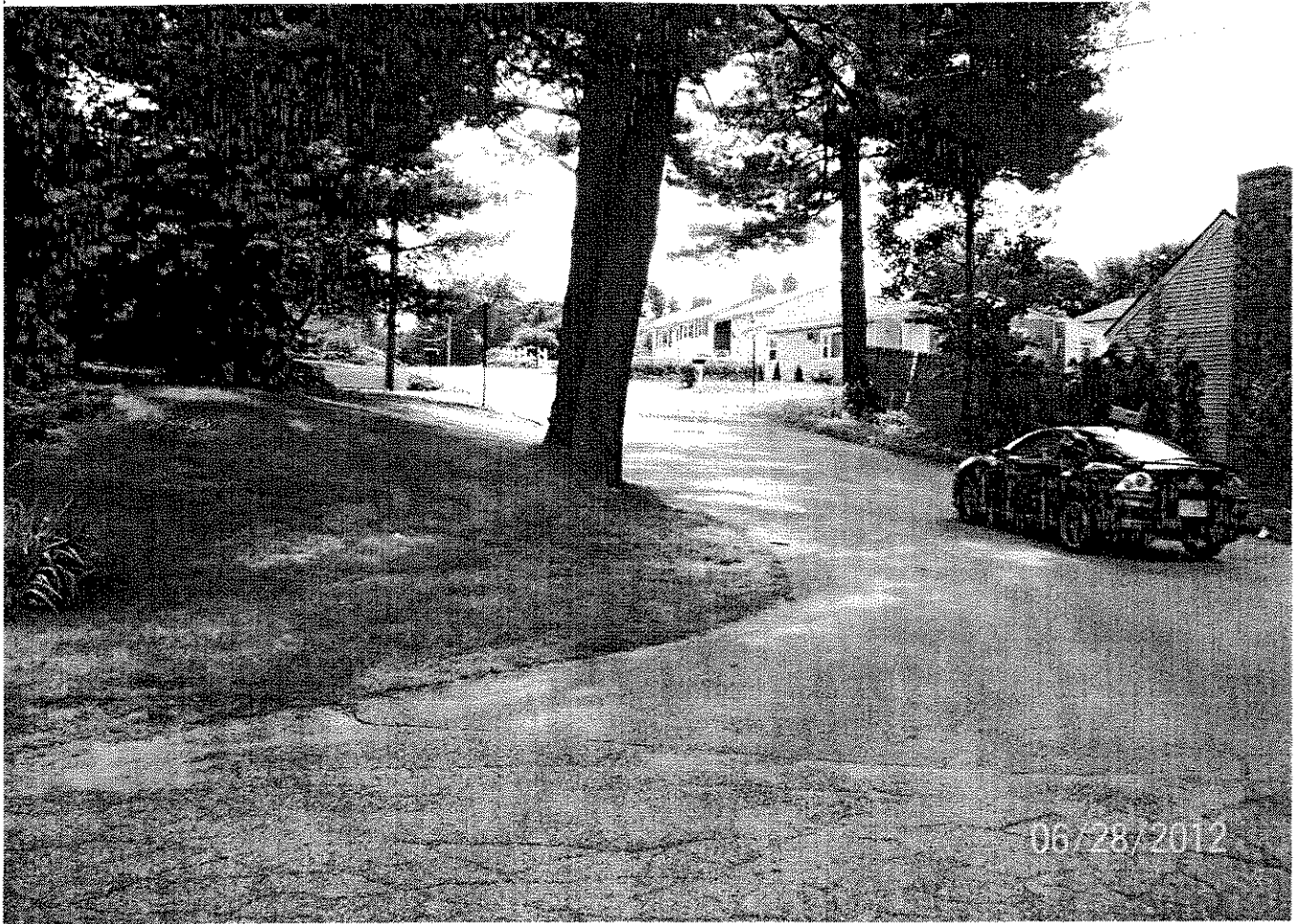
**CROSBIE STREET
WEST OF PICKERING STREET**



**PICKERING STREET
SOUTH OF CROSBIE STREET
FACING EAST**



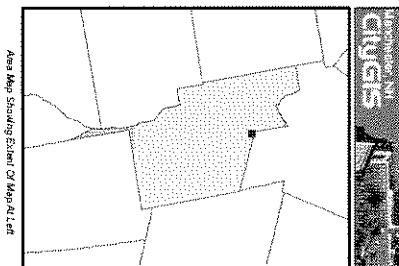
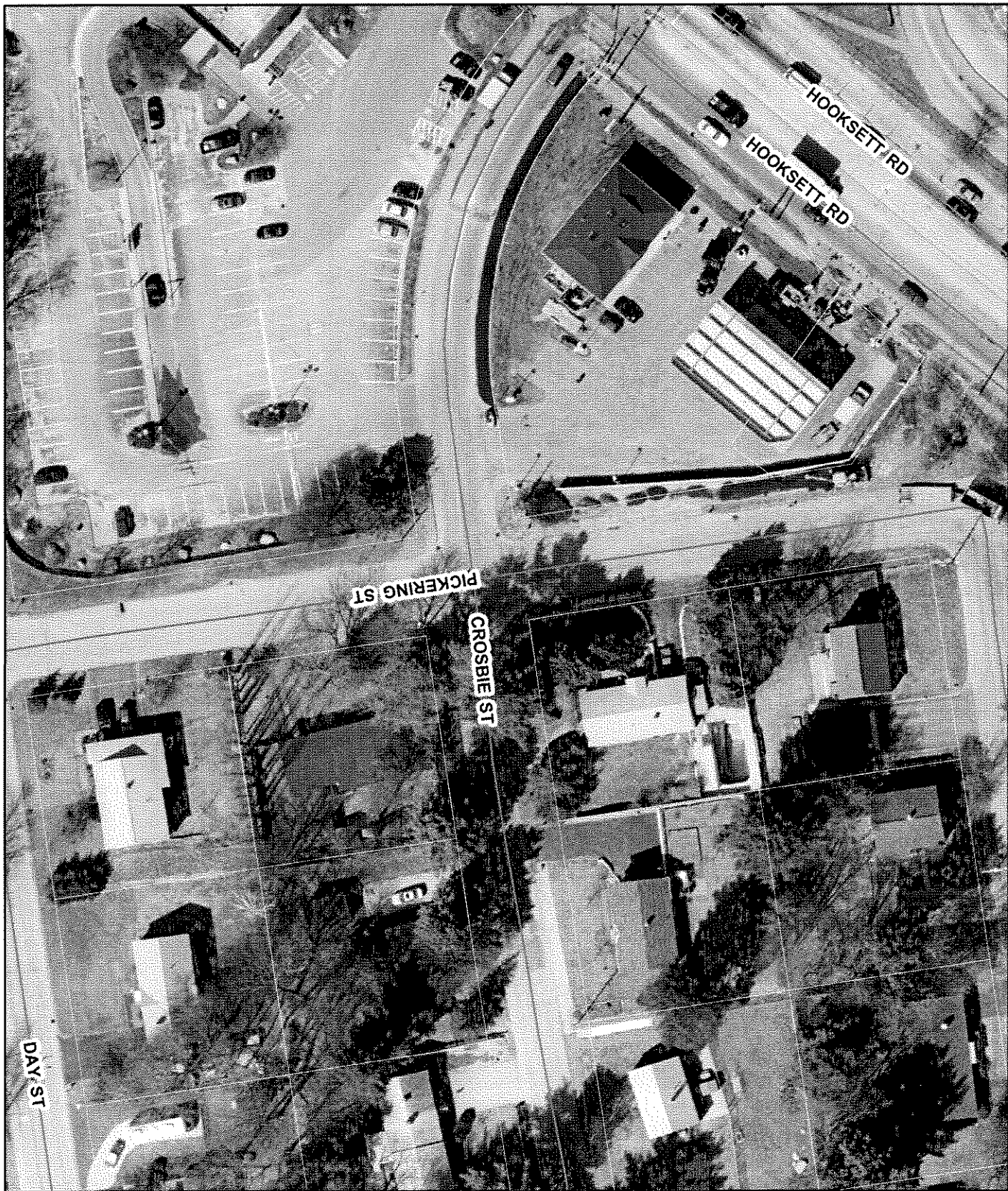
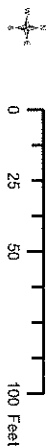
**PICKERING STREET
SOUTH OF CROSBIE STREET
FACING WEST**



**PICKERING STREET
NORTH OF CROSBIE STREET
FACING EAST**



**PICKERING STREET
NORTH OF CROSBIE STREET
FACING WEST**



DISCLAIMER

The information appearing on this map is for the convenience of the user and is not intended to be used as a legal document. The City of Manchester, New Hampshire, is not responsible for any errors or omissions in this information. The official public records from various City, County, and State government agencies and departments, and are available for inspection and copying during normal business hours. By using this map, you agree to these terms and conditions.

SPEEDsentry Summary Information for Crosbie SB at Pickering 2012.ssd

Speed Limit: 30
Avg Speed: 16.1
50% Speed: 16
10 MPH Pace: 9 to 18

Display Trigger: None
Maximum Speed Detected: 63
85% Speed: 22
Radar Pickup Distance: 925 ft



File size: 138,695 bytes
File Version: SSD_1_1

File Created: 6/22/2012 2:38:21 PM
Data Points: 527,041

* This File contains settings changes. Please see the Settings History tab for details.

Speed Summary for Crosbie SB at Pickering 2012 - Volume by Speed -

Time Start	Time End	1 to 10	11 to 20	21 to 30	31 to 40	41 to 50	51 to 60	61 to 70	71 to 80	81 to 90	91 to 100	Total Vehicles
12:00 AM	12:59 AM	0	25	9	0	0	0	0	0	0	0	34
1:00 AM	1:59 AM	0	9	1	0	0	0	0	0	0	0	10
2:00 AM	2:59 AM	1	8	2	0	0	0	0	0	0	0	11
3:00 AM	3:59 AM	0	9	1	0	0	0	0	0	0	0	10
4:00 AM	4:59 AM	0	7	2	0	0	0	0	0	0	0	9
5:00 AM	5:59 AM	2	52	7	0	0	0	0	0	0	0	61
6:00 AM	6:59 AM	7	75	22	5	0	0	0	0	0	0	109
7:00 AM	7:59 AM	13	91	52	0	1	0	0	0	0	0	157
8:00 AM	8:59 AM	18	102	33	0	0	0	1	0	0	0	154
9:00 AM	9:59 AM	25	105	42	0	0	0	0	0	0	0	172
10:00 AM	10:59 AM	19	121	60	2	0	0	0	0	0	0	202
11:00 AM	11:59 AM	25	135	48	0	0	0	0	0	0	0	208
12:00 PM	12:59 PM	30	186	60	2	0	0	0	0	0	0	278
1:00 PM	1:59 PM	29	158	53	1	0	0	0	0	0	0	241
2:00 PM	2:59 PM	28	131	62	0	0	0	0	0	0	0	221
3:00 PM	3:59 PM	25	137	49	0	0	0	0	0	0	0	211
4:00 PM	4:59 PM	28	118	62	1	0	0	0	0	0	0	209
5:00 PM	5:59 PM	17	131	68	1	0	0	0	0	0	0	217
6:00 PM	6:59 PM	26	122	78	1	0	0	0	0	0	0	227
7:00 PM	7:59 PM	19	119	71	0	0	0	0	0	0	0	209
8:00 PM	8:59 PM	22	121	54	0	0	0	0	0	0	0	197
9:00 PM	9:59 PM	5	112	43	0	0	0	0	0	0	0	160
10:00 PM	10:59 PM	3	72	26	0	0	0	0	0	0	0	101
11:00 PM	11:59 PM	0	38	16	0	0	0	0	0	0	0	54
Total		342	2184	921	13	1	0	1	0	0	0	3462
%		9.9%	63.1%	26.6%	0.4%	0%	0%	0%	0%	0%	0%	0%

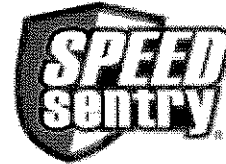
Approximate Vehicle Counts for Crosbie SB at Pickering 2012

Time Start	Time End	6/19/2012	6/20/2012	6/21/2012	6/22/2012
12:00 AM	12:59 AM	*	10	9	15
1:00 AM	1:59 AM	*	0	5	5
2:00 AM	2:59 AM	*	5	3	3
3:00 AM	3:59 AM	*	2	2	6
4:00 AM	4:59 AM	*	3	4	2
5:00 AM	5:59 AM	*	21	23	17
6:00 AM	6:59 AM	*	34	29	46
7:00 AM	7:59 AM	*	53	53	51
8:00 AM	8:59 AM	*	48	51	55
9:00 AM	9:59 AM	*	60	54	58
10:00 AM	10:59 AM	*	69	65	68
11:00 AM	11:59 AM	*	60	69	79
12:00 PM	12:59 PM	44	73	81	80
1:00 PM	1:59 PM	73	55	67	46
2:00 PM	2:59 PM	77	74	70	*
3:00 PM	3:59 PM	70	81	60	*
4:00 PM	4:59 PM	81	67	61	*
5:00 PM	5:59 PM	69	80	68	*
6:00 PM	6:59 PM	81	67	79	*
7:00 PM	7:59 PM	67	63	79	*
8:00 PM	8:59 PM	64	61	72	*
9:00 PM	9:59 PM	52	57	51	*
10:00 PM	10:59 PM	33	33	35	*
11:00 PM	11:59 PM	15	20	19	*
Total		726	1096	1109	531
%		21%	31.7%	32%	15.3%

SPEEDsentry Summary Information for Crosbie NB at Pickering 2012.ssd

Speed Limit: 30
Avg Speed: 26.4
50% Speed: 27
10 MPH Pace: 22 to 31

Display Trigger: None
Maximum Speed Detected: 43
85% Speed: 30
Radar Pickup Distance: 925 ft



File size: 71,820 bytes
File Version: SSD_1_1

File Created: 6/22/2012 2:34:32 PM
Data Points: 545,776

* This File contains settings changes. Please see the Settings History tab for details.

Speed Summary for Crosbie NB at Pickering 2012 - Volume by Speed -

Time Start	Time End	1 to 10	11 to 20	21 to 30	31 to 40	41 to 50	51 to 60	61 to 70	71 to 80	81 to 90	91 to 100	Total Vehicles
12:00 AM	12:59 AM	0	0	15	4	0	0	0	0	0	0	19
1:00 AM	1:59 AM	0	0	6	2	0	0	0	0	0	0	8
2:00 AM	2:59 AM	0	2	4	1	0	0	0	0	0	0	7
3:00 AM	3:59 AM	0	1	7	2	0	0	0	0	0	0	10
4:00 AM	4:59 AM	0	1	13	8	0	0	0	0	0	0	22
5:00 AM	5:59 AM	0	7	47	6	1	0	0	0	0	0	61
6:00 AM	6:59 AM	0	7	140	29	0	0	0	0	0	0	176
7:00 AM	7:59 AM	0	9	250	42	1	0	0	0	0	0	302
8:00 AM	8:59 AM	0	8	181	30	0	0	0	0	0	0	219
9:00 AM	9:59 AM	0	13	175	25	0	0	0	0	0	0	213
10:00 AM	10:59 AM	0	19	190	27	0	0	0	0	0	0	236
11:00 AM	11:59 AM	0	19	209	21	0	0	0	0	0	0	249
12:00 PM	12:59 PM	0	26	189	34	0	0	0	0	0	0	249
1:00 PM	1:59 PM	2	17	173	18	0	0	0	0	0	0	210
2:00 PM	2:59 PM	0	11	159	13	0	0	0	0	0	0	183
3:00 PM	3:59 PM	1	15	189	25	0	0	0	0	0	0	230
4:00 PM	4:59 PM	0	14	228	18	0	0	0	0	0	0	260
5:00 PM	5:59 PM	0	9	200	16	0	0	0	0	0	0	225
6:00 PM	6:59 PM	0	10	194	25	1	0	0	0	0	0	230
7:00 PM	7:59 PM	0	10	149	11	0	0	0	0	0	0	170
8:00 PM	8:59 PM	0	10	104	11	0	0	0	0	0	0	125
9:00 PM	9:59 PM	0	8	77	11	0	0	0	0	0	0	96
10:00 PM	10:59 PM	0	0	43	8	0	0	0	0	0	0	51
11:00 PM	11:59 PM	0	1	20	4	0	0	0	0	0	0	25
Total		3	217	2962	391	3	0	0	0	0	0	3576
%		0.1%	6.1%	82.8%	10.9%	0.1%	0%	0%	0%	0%	0%	0%

Approximate Vehicle Counts for Crosbie NB at Pickering 2012

Time Start	Time End	6/19/2012	6/20/2012	6/21/2012	6/22/2012
12:00 AM	12:59 AM	*	5	5	9
1:00 AM	1:59 AM	*	3	2	3
2:00 AM	2:59 AM	*	2	3	2
3:00 AM	3:59 AM	*	3	4	3
4:00 AM	4:59 AM	*	8	7	7
5:00 AM	5:59 AM	*	19	24	18
6:00 AM	6:59 AM	*	61	59	56
7:00 AM	7:59 AM	*	101	98	103
8:00 AM	8:59 AM	*	73	74	72
9:00 AM	9:59 AM	24	64	63	62
10:00 AM	10:59 AM	49	53	61	73
11:00 AM	11:59 AM	52	75	61	61
12:00 PM	12:59 PM	62	57	64	66
1:00 PM	1:59 PM	62	60	51	37
2:00 PM	2:59 PM	62	55	66	*
3:00 PM	3:59 PM	71	84	75	*
4:00 PM	4:59 PM	85	87	88	*
5:00 PM	5:59 PM	74	73	78	*
6:00 PM	6:59 PM	68	77	85	*
7:00 PM	7:59 PM	57	66	47	*
8:00 PM	8:59 PM	38	43	44	*
9:00 PM	9:59 PM	29	39	28	*
10:00 PM	10:59 PM	12	19	20	*
11:00 PM	11:59 PM	9	7	9	*
Total		754	1134	1116	572
%		21.1%	31.7%	31.2%	16%

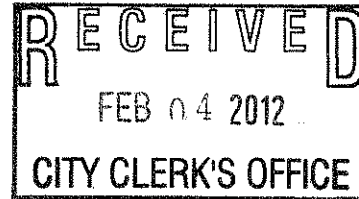


**Cronin
Bisson &
Zalinsky P.C.**
Attorneys at Law

722 Chestnut Street | Manchester, NH 03104
p. 603.624.4333 | f. 603.623.5626
www.cbzlaw.com

John G. Cronin
Admitted in NH and MA

January 31, 2013



Matthew Normand, City Clerk
City of Manchester
One City Hall Plaza
Manchester, New Hampshire 03101

Re: Franklin Street West Back

Dear Clerk Normand:

I am following up on your letter of December 6, 2012 regarding the closure of "Franklin Street West Back".

Your letter responded to our inquiry about the licensing of a private business, Strange Brew Tavern, to obstruct a public street. I understand the Committee on Public Safety, Health and Traffic reviewed the request and supported the request to close the street. The Board of Mayor and Aldermen approved the recommendation of the Committee pursuant to its statel authority. *See*, NH RSA 41:11 and 47:17.

Our client, 70 Market Street, LLC, the owner of property abutting the area used for tavern operations, objects to the ongoing use of the public way for restaurant operations. We note, the New Hampshire Supreme Court has ruled that the statutory authority does not allow the public or abutters to obstruct a public way. The Manchester Ordinance also provides that the BMA may grant a license to occupy a portion of a public street for street fairs or other community events. *See*, Order 797.34. The grant of power does not allow street closure to private restaurant operations.

Please advise when we can be placed on the agenda of the Committee to discuss our client's concerns.

Thank you.

Sincerely yours,
CRONIN BISSON & ZALINSKY P.C.

By:

JGC:tlm

cc: Derek Massey
Michael Massey

Matthew Normand
City Clerk



Heather Freeman
Assistant City Clerk

JoAnn Ferruolo
Assistant City Clerk

CITY OF MANCHESTER
Office of the City Clerk

December 6, 2012

John G. Cronin
Cronin & Bisson, P.C.
722 Chestnut Street
Manchester, New Hampshire 03104

Re: Franklin Street West Back

Dear Attorney Cronin,

This letter is in response to your communication dated November 19, 2012 regarding "Outside Restaurant Seating – Franklin Street West Back". The temporary closure of Franklin Street West Back was initiated by written request of Mr. Mitch Sawaya, owner of Strange Brew Tavern, located at 88 Market Street, dated January 22, 2008. The communication first appeared on the agenda of the Committee on Public Safety, Health, and Traffic on February 19, 2008, a meeting agenda which was posted publicly on or about February 15, 2008. The request was tabled at the meeting to allow further discussion between Mr. Sawaya and at least one abutter, Mr. Cliff Ross. The request remained tabled and appeared on all publicly posted committee agendas through September 15, 2008.

The request, appearing on the September 15, 2008 agenda, was removed from the table and unanimously approved by all members of the committee to allow a pilot program to close the alley adjacent to Strange Brew from 5:00 p.m. - 10:00 p.m. on Friday, Saturday and Sunday after further discussion on the matter. Mr. Sawaya and Mr. Ross were both in attendance and participated in the meeting.

The Board of Mayor and Aldermen unanimously voted to accept the committee recommendation at the meeting held on September 16, 2008. No license or permit was required to be issued to reflect the action of the Board of Mayor and Aldermen.

On July 28, 2010, my office received a subsequent written request from Mr. Sawaya dated June 25, 2010, seeking permission to extend the street closure to additional days of the week and one additional hour, nightly. The communication appeared on the agenda of the Committee on Public Safety, Health, and Traffic on September 8, 2010, a meeting agenda which was posted publicly on or about September 3, 2010. The request was unanimously approved by all members of the committee.

The Board of Mayor and Aldermen unanimously voted to accept the committee recommendation on September 21, 2010. Copies of written communications and minutes of all board/committee meetings are available at www.manchesternh.gov.

The authority to regulate the use of all public ways in the city of Manchester is vested in the Board of Mayor and Aldermen under the provisions of RSA 41:11 and 47:17.

Please feel free to contact me if I can be of further assistance.

Sincerely,


Matthew Normand
City Clerk

pc Thomas Clark, City Solicitor

John G. Cronin
Admitted in NH and MA

November 19, 2012

Matthew Normand, City Clerk
City of Manchester
One City Hall Plaza
Manchester, New Hampshire 03101

Re: Outside Restaurant Seating - Franklin Street West Back

Dear Matt:

Our office represents 70 Market Street, LLC, the owner of real property known and described as the land and buildings at 70 Market Street, Manchester, New Hampshire. The property is referred to by the City of Manchester at Tax Map 155-22.

We understand a license or permit was issued to allow the Strange Brew Tavern to situate tables and chairs in the public way known and referred to as Franklin Street West Back. As you may know, the operation of the restaurant business in the public way has created friction between abutting property owners. The restaurant operations essentially closed the right of way during business hours and limited access for employees, customers and vendors. The restaurant operations abutting business premises created an intolerable distraction. The restaurant operations conducted in the public way resulted in an intolerable distraction to our client's business operations.

It is our understanding the such permits or licenses are generally granted to occupy sidewalks when suitable access is maintained for pedestrians. We are interested to know what considerations are given to rights of abutting property owners when permits or licenses are granted to obstruct a public way. Kindly advise of the authority on which the permit was granted. Based on the ongoing disruption and difficulties caused by the restaurant, we object to continuation or issuance of any permits or licences allowing restaurant operations within the limits of the public street known as Franklin Street West Back.

Thank you for your consideration.

Sincerely yours,
CRONIN & BISSON, P.C.

By:

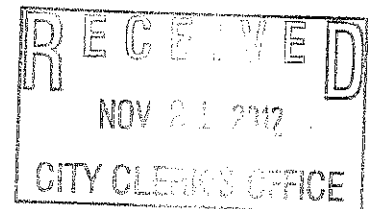

John G. Cronin

JGC/bms

cc: Michael Massey
Derek Massey



722 Chestnut Street, Manchester, NH 03104
Phone: (603) 624-4333 Fax: (603) 623-5626
www.croninbisson.com



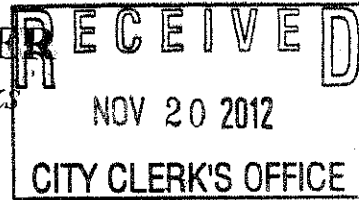
Kevin A. Sheppard, P.E.
Public Works Director

Timothy J. Mougherty
Deputy Public Works Director



Commission
Raymond Hebert
Hal Sullivan
Bill Skouteris
Rick Rothwell
Philip Hebert

CITY OF MANCHESTER
Department of Public Works



November 20, 2012

Community Improvement Committee of the Board of Mayor and Aldermen
City Hall
c/o Matthew Normand, City Clerk
One City Hall Plaza
Manchester, New Hampshire 03101

RE: PETITION DISCONTINUANCE OF A PORTION OF FRANKLIN WEST BACK STREET

Dear Committee Members,

The Department of Public Works has reviewed the referenced petition and have found the following:

- The dedication of the street was made by the Amoskeag Manufacturing Company.
- The street was laid out by the Board of Mayor and Aldermen on July 7, 1949 and the action recorded in Highways, Streets and Bridges book 11 page 446 by the City Clerk.
- There is a City sewer line located in this section of the street. The Department of Public Works requests withholding a utility easement over the street if this petition is granted.
- Granting of this petition will not hinder our operations.

Sincerely,

Kevin Sheppard, P.E.,
Public Works Director

MJM
cc: File

Matthew Normand
City Clerk




Heather Freeman
Assistant City Clerk

JoAnn Ferruolo
Assistant City Clerk

CITY OF MANCHESTER
Office of the City Clerk

MEMORANDUM

To: Kevin Sheppard
Public Works Director

From: Heather Freeman 
Assistant City Clerk

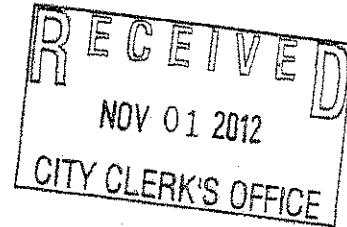
Date: November 2, 2012

Re: Petition for Discontinuance – Franklin Street West Back

In accordance with Rule 19 of the board, please find attached a petition for discontinuance of a portion of Franklin Street West Back. Please note this petition will be submitted to the Committee on Community Improvement.

Enclosure

pc: Leon LaFreniere, Director of Planning and Community Development



November 1, 2012

City Clerk's Office
c/o City of Manchester
One City Hall Plaza
Manchester, NH 03101

Attn: Board of Mayor and Aldermen

Re: Franklin Street West Back Discontinuance
CLD Reference No. 12-0319

Dear Board of Mayor and Aldermen:

Enclosed please find a proposed discontinuance of a portion of Franklin Street West Back in Manchester, which we are filing on behalf of our client, Mitchell J. Sawaya Revocable Trust. Also enclosed is a description of the street to be discontinued, a City GIS (for aerial view), and Section Map N from the City of Manchester Highway Department for the discontinuance. Please use this package to enter this request into the formal Street Discontinuance process as soon as practicable.

If you have any questions or concerns, please do not hesitate to contact us at 668-8223.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'A. Cory DuBois'.

A. Cory DuBois, P.E.

ACD:jt

Enclosures

cc w/enclosures: Mitch Sawaya



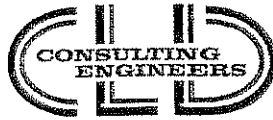
Franklin Street West Back
CLD Reference No. 12-0319
November 1, 2012
Page - 2

*To the Honorable Board of Mayor and Aldermen
Of the City of Manchester:*

We respectfully request release and discharge of a certain dedicated way in the City of Manchester, County of Hillsborough, State of New Hampshire, from all public servitude except in connection with any existing utilities within the right-of-way, if any, because this way is not needed for the accommodation of public travel. Said way is a portion of Franklin Street West Back (as shown solely on Tax Map 152), beginning at Market Street and ending at Market Street South Back and lies within and is abutted by:

- Mitchell J. Sawaya Revocable Trust
At 88 Market Street
Tax Map 152-21
Book 8257, Page 2469
- 70 Market Street LLC
At 70 Market Street
Tax Map 155-22
Book 5952, Page 1244

The proposed discontinuance will permit the abutters to utilize the portions of this currently dedicated but unaccommodating to public travel way that abut their respective properties. There will be no inconvenience caused to the public as a result of this discontinuance.



Franklin Street West Back
CLD Reference No. 12-0319
November 1, 2012
Page - 3

DESCRIPTION
FRANKLIN STREET WEST BACK BETWEEN
MARKET STREET AND MARKET STREET SOUTH BACK

All that piece or parcel of Franklin Street West Back situated in the City of Manchester, County of Hillsborough, State of New Hampshire, located between Market Street and Market Street South Back; bounded and described as follows:

Beginning at a point on the southerly sideline of Market Street, at the easterly sideline of Franklin Street West Back; said point being a distance of 212.34 feet, more or less, westerly from the westerly sideline of Franklin Street at its intersection with the southerly sideline of Market Street.

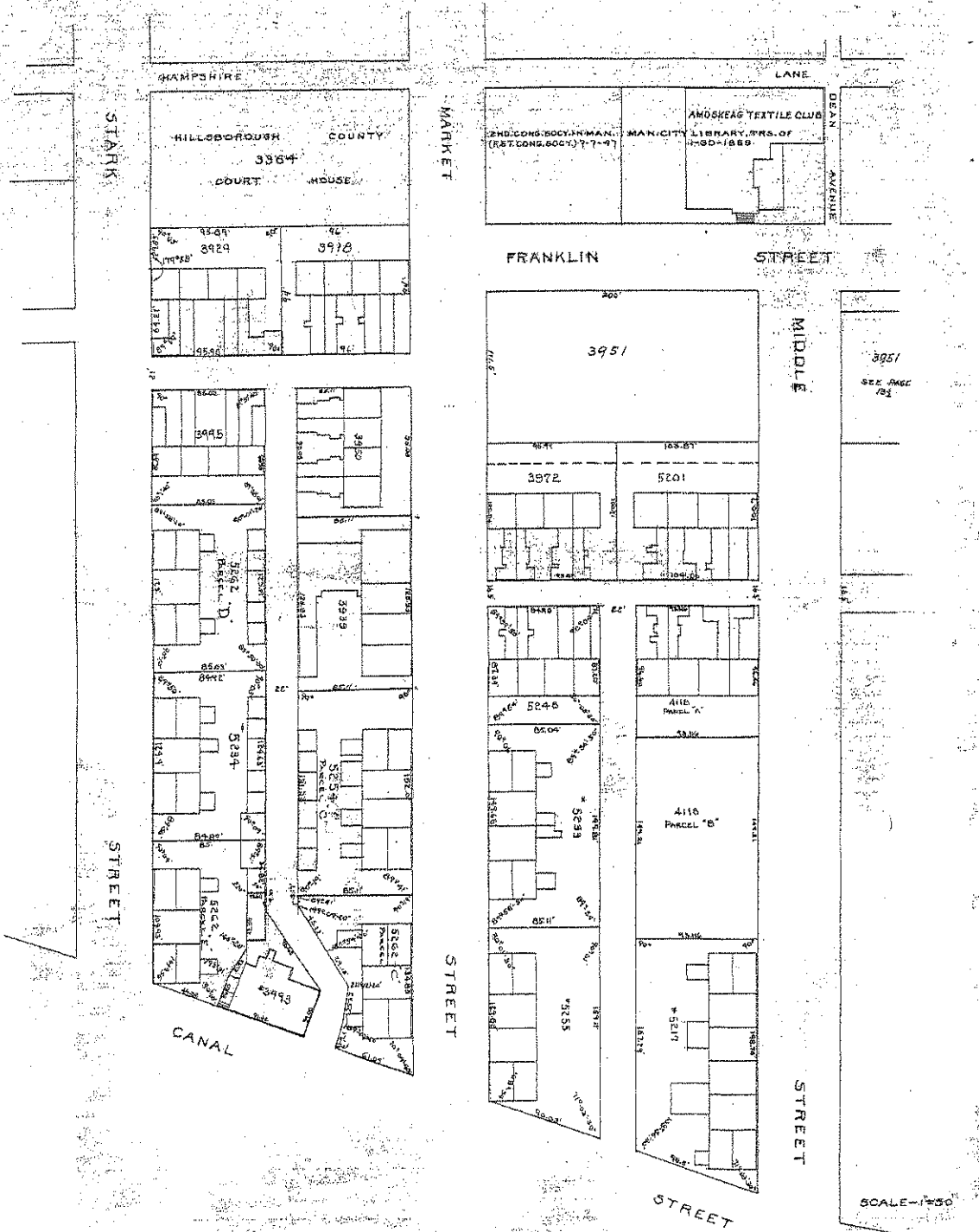
Thence, southerly along said easterly sideline of Franklin Street West Back, a distance of 85.00 feet to a point on said easterly sideline of Franklin Street West Back at its intersection with the extension of the northerly sideline of Market Street South Back;

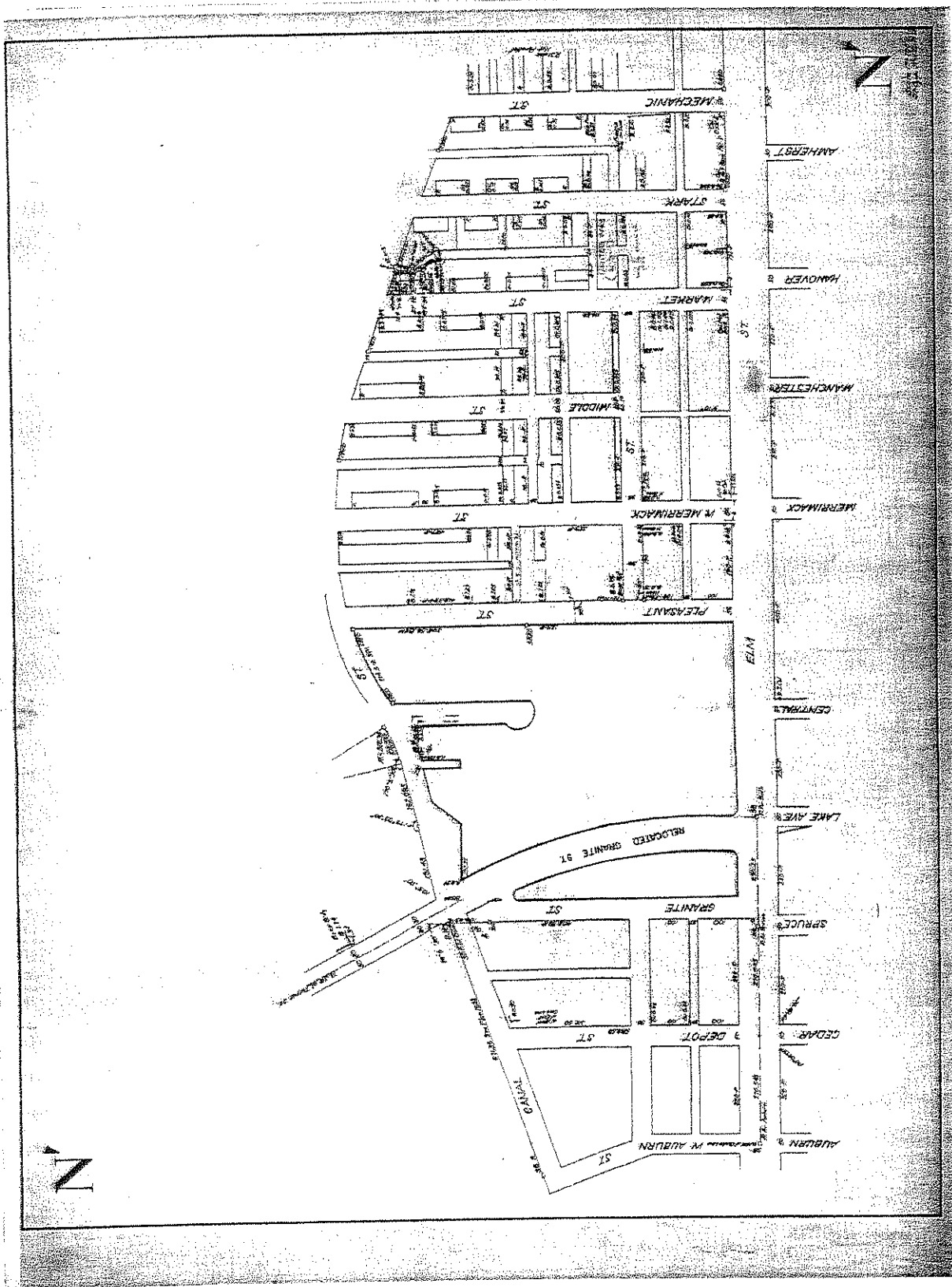
Thence, westerly along said extension of the northerly sideline of Market Street South Back, a distance of 16.5 feet to a point on the westerly sideline of Franklin Street West Back at its intersection with the northerly sideline of said Market Street South Back; said point also being the southeasterly corner of Tax Map 152 Lot 21;

Thence, northerly along said westerly sideline of Franklin Street West Back, a distance of 85.00 feet to the southerly sideline of Market Street;

Thence, easterly along said southerly sideline of Market Street, a distance of 16.5 feet to the point of beginning.

The area of the above-described section of Franklin Street West Back is 1,402.5 square feet.







City of Manchester, New Hampshire - Public GIS Map Viewer

[illegible]

12' WIDE EASEMENT
TO BENEFIT 152-21
AS RECORDED IN 2350-615
(NOT INCLUDED IN DEED
FOR 152-21)

GRANITE CURB

MARKET STREET

GRANITE CURB

LIMIT OF PARKING AREA
UTILIZED BY 152-22

152-20
MILL YARD FAMILIES
LIMITED PARTNERSHIP

152-21
MITCHELL SAWAYA
REV. TRUST

152-22
70 MARKET
STREET LLC

MARKET STREET SOUTH BACK

(22' WIDE)

FRANKLIN STREET WEST BACK

(16.5' WIDE)

PAVED PARKING AREA
CONCRETE PARKING AREA

152-15
NKM&S
HOLDINGS II LLC

152-14
CLIFFORD ROSS

*Strange Brew Handout
Comm. to Public Safety, Traffic & Health
February 19, 2008*

*tabled 2-19-08
3-18-08 REMAINED TABLED*

STRANGE BREW TAVERN
88 Market Street
Manchester, NH 03101

January 22, 2008

City of Manchester, NH
Office of the City Clerk
Attn: Matthew Normand
Deputy Clerk

Re: Encumbrance Permit

Dear Sir:

As per our October discussion, I am requesting permission to close the alley adjacent to Strange Brew known as Franklin West Back Street.

The area in question is 84'3" long (from one end of the building to the other) by 23'6" wide on the Market Street side.

The initial proposed closure times would be Thursday through Saturday from approximately 5pm until a last call for drinks at 10pm. All service would be discontinued in the alley by 11pm. We are picking these times for the initial test of this proposal because we always hire a detail Thursday, Friday, and Saturday. If this works out, I will ask that we reevaluate and close the alley for additional days (in particular, all day Sunday and Saturday).

The Heritage Commission has given conceptual approval for an awning 35 feet in length with an overhang of 10 feet 6 inches. This is a retractable awning which would only be open during hours of operation. During whatever review we have of the alley closure, I suggest we discuss "air rights" for the awning. Once air rights are approved, the building department will issue a permit.

As we discussed, we will not close the alley during snow emergencies.

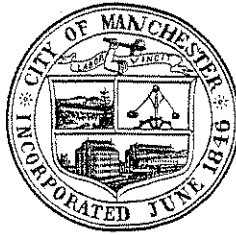
For the short term, I intend to purchase nylon rope barriers which we will wrap in white lights. If the program works out with no issues, I will look to put in a more permanent barrier, such as a wrought iron divider that swings out from the wall.

Please let me know if you have any further questions regarding this request. I can be reached in my office most days at (603)666-0293, or on my cell at (603) 670-3236.
Thank you in advance for your assistance in this matter.

Sincerely,

Mitch Sawaya
President
Strange Brew Tavern

Carol A. Johnson
City Clerk



Matthew Normand
Deputy City Clerk

CITY OF MANCHESTER
Office of the City Clerk

September 29, 2008

Mr. Mitch Sawaya
Strange Brew Tavern
88 Market Street
Manchester, NH 03101

Re: Street Closure Request

Dear Mr. Sawaya:

I am pleased to notify you of the conditional approval of the pilot program to close the alley adjacent to Strange Brew know as Franklin West Back Street. Enclosed for your records is a copy of your communication, as well as the action taken by the Board of Mayor and Aldermen at a meeting held on September 16, 2008, accepting a report of the Committee on Public Safety, Health and Traffic.

Should you have any questions relating to this matter, please do not hesitate to contact me directly.

Sincerely,

Matthew Normand
Deputy City Clerk

Enclosure

cc: Kevin Sheppard, Public Works Director
Kevin Kincaid, Licensing

TABLED ITEM

12. Communication from Mitch Sawaya, owner of the Strange Brew Tavern at 88 Market Street, requesting that he be allowed to temporarily close a portion of Franklin West Back Street each week from Thursday through Saturday between the hours of 5:00 p.m. and 11:00 p.m.

Note: Mr. Sawaya to meet with abutters in order to work out an agreement relative to his request and report back to the Committee.

(Tabled 2/19/08)

On motion of Alderman J. Roy, duly seconded by Alderman O'Neil, it was voted to remove Item 12 from the table.

Alderman J. Roy stated I see that the people involved in this are here. This is something that we looked at quite awhile ago and seeing that it is going to be a pilot program I think Mitch has shown that he works very well with the neighbors down there and if there are any concerns he addresses them rather quickly. I believe that Alderman O'Neil has some information about coverage by the Police Department in that area as well.

Chairman Shea stated there is a neighbor in the audience, Mr. Ross.

Alderman J. Roy stated both of them are here. Mitch and Mr. Ross are here.

Chairman Shea stated I am not sure what you want to do. Do you want both people to come up?

Alderman J. Roy responded absolutely.

Chairman Shea stated why don't we hear from Mitch first and then Mr. Ross.

Mr. Mitch Sawaya stated I think the way we left it before was someone, I think Alderman O'Neil, was going to have further discussion with Mr. Ross and you were going to check with the police and see what the track record was and see how we were handling our issues. I have only heard bits and pieces of how that all came out but what we had talked about was making this a pilot program where we did something on Saturdays and Sundays.

Chairman Shea asked was there a recent meeting? I am not aware of that.

Mr. Sawaya answered I believe the only meetings that have happened have been between some of the Aldermen and the police. We have already met with the Highway Department and the other departments that were involved.

have people out there monitoring the level of noise. There would be no music or anything like that out there but I think if I understand it right Mr. Ross's biggest concern is from about 11 PM until whatever time people are finally gone. That is what is waking him up at night if I understood it correctly.

Chairman Shea asked Mr. Ross, would you care to comment?

Mr. Cliff Ross stated I just want to point out that our complaints aren't necessarily old business. Within the last three months a tenant of ours and my daughter-in-law witnessed two savage fistfights outside of Strange Brew, outside the front door and then down near our property with all kinds of cheering going on. On another occasion not far removed in time, there was somebody that was apparently a police officer or something to do with corrections who had a car parked directly in front of our front door and people looked into the car and saw what apparently was identification that it was owned by a corrections officer so they came up on my front lawn and took a tremendous granite stone from our rock garden and smashed the car to pieces. That was reported to the police. The police came and according to my tenant the policeman said that this neighborhood has gone crazy. In another instance, we came out the front door of our place at 79 Middle Street and there was a pool of blood in the parking lot. Somebody had been plugged by a baseball bat and we have no information that the assailant came from Strange Brew but there was a big crowd that gathered on my front lawn and my son made the mistake of asking them to get off the front lawn in a respectful manner and they quickly identified two motor vehicles in the parking lot as belong to us. They kicked in my fender and tried to break off the window and they ripped the antenna off of our car in such a way that it dented the roof. My neighbors, the settlement company next door, put up a flagpole in the alleyway area and it was smashed to pieces immediately. I have no complaint with the people using that space up until 10 PM as Mitch asks but I am concerned about the entire situation. I had occasion to go into Strange Brew in the last three weeks to complain about something and I encountered one of the most polite and cooperative bartenders I ever met. I spoke about the situation to him and he said that it is hard for them to have a policeman go outside to supervise what is going on outside because of the possibility of fights in the bar. I think there is an obligation to attend to both areas and that neighborhood was never like that before. I like Mitch. He runs a very good place. He provides a lot of happiness to a lot of people but it is a dangerous situation down there. Now truthfully it has gotten better and I think it might be as a consequence of the Chief of Police putting more people out there and patrolling a little better. We hope it will continue and we simply ask that you do whatever you can to help the situation from becoming a tragic situation, and good luck to Mitch and his business.

Chairman Shea asked Mitch is it possible for you to hire a second policeman to supervise the people?

we were able to get that done. Prior to that, it was pretty much once they were done in my building they would get in their cars and drive off. That is definitely a factor.

Alderman Ouellette asked Mitch, do you also employ bouncers as well?

Mr. Sawaya answered I do. On a Friday or Saturday night there are five bouncers spread throughout the building

Alderman Ouellette stated getting to Chairman Shea's point, instead of considering hiring a second officer obviously you can just send one of the bouncers around to make sure everything is okay.

Mr. Sawaya responded it actually carries more credibility having the officer go around so that is what we typically try to do. My guys have authority within the building but once you are outside that building, they have no legal authority at all. It becomes very difficult for them to get involved in anything. So that officer, we will absolutely use him to go around.

Alderman Ouellette responded as long as somebody does it because I think that would clear up any issues during that time. I agree with Alderman O'Neil that it is a separate issue and a police issue in terms of the parking lot and Atty. Ross's issues, which aren't any fun I am sure. I am sure that the Chief will address that.

Mr. Ross stated we have lived there for some 35 years and during Mitch's tenure we have watched the people come and go. They go in as regular ordinary good kids but they don't necessarily leave that way. They are pretty wild. I appreciate the improvements and I am grateful to all of you.

Alderman J. Roy stated I have one more question for Mitch. While you have this area in the alleyway being occupied by some of your patrons, are you going to have a bouncer out there?

Mr. Sawaya responded absolutely.

Alderman J. Roy stated so he can go inside and get the police officer quick enough. I think what I was hearing, and Mr. Ross correct me if I am wrong, but you don't have any objections to him having this pilot program until 10 PM. You have an objection about what is happening later on that we have to address with the police.

Mr. Ross responded correct.

Alderman O'Neil stated I have a question for Mitch. I know this is late in the fall but if the Board approved it would you take a shot at it this fall at all?

Deputy City Clerk Normand stated just so we are clear, this would be reflected on his business license so what I have gathered so far from the conversation is that this would be proceeding from noon until 10 PM, that there will be no music outside, that the alley will be opened up after 10 PM, that there will be a bouncer outside and that this will last for only one season as a pilot program beginning in April or May of 2009 through October.

Chairman Shea asked how many days a week would this be?

Mr. Sawaya answered I just want to start it on Saturdays and Sundays.

Alderman Sullivan asked you don't want Fridays covered by this?

Mr. Sawaya answered the only problem with Fridays is we have to wait until the cars from next door leave anyway. I would love to do it on Fridays if that works. It probably should reflect Friday, Saturday and Sunday. I would just have to figure out what time we would start it on Friday. I need to see what is going to happen. The cars next door might not move out until 7 PM on a Friday.

Alderman Sullivan moved the motion as outlined by Deputy City Clerk Normand.

Deputy City Clerk Normand asked do you want me to read it again?

Alderman Sullivan answered yes.

Deputy City Clerk Normand stated this would be for a pilot program to begin sometime in April or May of 2009. It would be for seating only outside the alley abutting the Strange Brew from noon until 10 PM. There would be no music. The alley would be opened up after 10 PM. There would be a bouncer outside during the operation. I am not clear if it is Friday, Saturday and Sunday or just Saturday and Sunday.

Mr. Sawaya answered you probably want to put it down as Friday, Saturday and Sunday and then we don't have to come back here again.

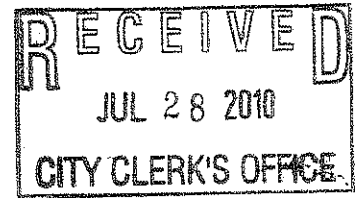
Alderman Sullivan stated yes let's put Friday, Saturday and Sunday.

Alderman J. Roy duly seconded the motion.

Alderman O'Neil stated I am committed to Atty. Ross regarding that parking lot that we are going to clean up the behavior there. I am committed to you on that.

Chairman Shea called for a vote. There being none opposed, the motion carried.

STRANGE BREW TAVERN
88 Market Street
Manchester, NH 03101



June 25, 2010

City of Manchester, NH
Office of the City Clerk
Attn: Matthew Normand
City Clerk

Re: Pilot Program

Dear Sir:

As you are aware, over the last two years Strange Brew Tavern has been part of a pilot program consisting of closing the alley known as Franklin West Back Street Friday, Saturday, and Sunday until 10pm.

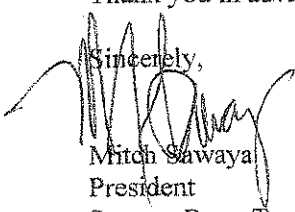
To the best of my knowledge this program has been quite successful. I am unaware of any neighborhood complaints. In fact, many of the people in the nearby neighborhoods have been taking advantage of the outdoor seating.

Due to the success of the program, I am asking that your office consider allowing us to keep the alley closed until 11pm. This would be a one hour extension from the currently approved closure time of 10pm.

In addition, I would like to extend the program to include the other nights of the week.

Please let me know if you have any further questions regarding this request. I can be reached in my office most days at (603)666-0293, or on my cell at (603) 670-3236.
Thank you in advance for your assistance in this matter.

Sincerely,


Mitch Sawaya
President
Strange Brew Tavern

Matthew Normand
City Clerk



Kathleen Gardner
Deputy City Clerk

CITY OF MANCHESTER
Office of the City Clerk

September 24, 2010

Mitch Sawaya
88 Market Street
Manchester, NH 03101

Re: Street Closure Pilot Program

Dear Mr. Sawaya,

Please be advised that at a meeting of the Board of Mayor and Aldermen held on September 21, 2010 it was voted to accept the report of the Committee on Public Safety, Health and Traffic recommending that the pilot program for closure of West Franklin Back Street be extended to 11:00 p.m. and include Monday through Thursday nights.

Sincerely,

Matthew Normand
City Clerk

Enclosure

Cc: David Mara, Chief of Police
Kevin Kincaid Licensing Compliance Coordinator

- T. Recommending that the following regulations governing standing, stopping, parking and operation of vehicles, be adopted pursuant to Chapter 70 of the Code of Ordinances of the City of Manchester and put into effect when duly advertised and the districts affected thereby duly posted as required by the provisions of that Chapter and Chapter 335 of the Sessions Laws of 1951.

Section 70.36 Stopping, Standing, or Parking Prohibited

STOP SIGNS – 4 WAY:

On North Adams Street at Appleton Street – SEC, NWC

***Review attached

Alderman Craig

(Unanimous vote with the exception of Aldermen Roy who voted in opposition)

- U. Recommending that the request from the Strange Brew Tavern to extend the hours of the currently approved street closure of West Franklin Back Street to 11:00 p.m. be approved and further that the program be extended to include Monday through Thursday nights.

(Unanimous vote)

9/21/10

Consent
Agenda

Approved by
Bma

Comm on Public Safety & Health
9/8/2010

From: [Gary Harper](#)
To: [Freeman, Heather](#)
Subject: Public Safety Meeting
Date: Monday, March 04, 2013 2:14:43 PM
Attachments: [River Road Traffic Concern.pdf](#)

Dear Ms. Freeman,

I have attached a letter and other documentation which The Derryfield School would like to present to the Committee on Public Safety, Health and Traffic regarding concerns with traffic safety at the intersections of River Road/Bicentennial Drive and River Road/Union Street. We have had conversation with James Hoben, Deputy Traffic Director and Alderman Joyce Craig. Both people support this initiative. It is important to note that if this initiative is approved, the cost to purchase and solar powered school crossing equipment and installation would at the school's expense.

I would like to inquire as to the proper steps to get this item on the meeting agenda and whether or not this meeting is open to the public.

Please reply at your earliest convenience and I welcome any questions or comments you may have.

Sincerely,

Gary Harper
Director of Facility Operations
The Derryfield School
2108 River Road
Manchester, NH 03104

email: gharper@derryfield.org
Ph: 603.624.6143
Fax: 603.622.5875



March 4, 2013

To: City of Manchester
Committee on Public Safety, Health and Traffic
One City Hall Plaza
Manchester, NH 03101

From: The Derryfield School
2108 River Road
Manchester, NH 03104

Re: School Zone Signage and Traffic Markings

Dear Committee Members;

For several years, The Derryfield School has had increasing concerns regarding the traffic flow on River Road in the vicinity of the school. The lack of proper traffic/school zone signage and road markings creates unsafe conditions for all who travel in this area. In the spring of 2011, a traffic study was conducted at the intersection of River Road/Bicentennial Drive and River Road/Union Street. The findings showed that only two of the eight requirements were met for signalization at both locations. At that time, the City of Manchester felt the report did not warrant the installation of traffic signals. Upon further correspondence with Mr. Kevin Sheppard, Public Works Director, I was directed to speak with Mr. James Hoben, Deputy Traffic Director. After meeting with Mr. Hoben, we concluded that the City of Manchester and The Derryfield School could work together to improve signage and road and lane markings. We also discussed the possibility of traffic signals to be installed at the expense of The Derryfield School. The Derryfield School is requesting the following considerations for improved school zone signage, reduced speed limits, as well as proposed road and traffic markings. The lack of proper markings create unsafe conditions for our students, faculty, staff, visitors, the school's neighbors, as well as the general public who pass by our campus. This area would encompass the stretch of River Road from the intersection of Union Street to the Interstate 93 overpass and the intersection with Bicentennial Drive.

We respectfully request the following updated signage at three locations:

1. East of The Derryfield School on River Road
2. West of The Derryfield School on River Road
3. Bicentennial Drive. (Supplied and installed by the City of Manchester)

Please see attached.

1.0 School Zone Sign	S1-1
2.0 School	S4-39
3.0 Speed Limit 20	S5-1
4.0 School	S4-39
5.0 Fines Higher	S-6P

We also request that the words "School Zone Ahead" be painted in the road in the proper traffic lanes as well as turning lanes at the intersection of River Road and Bicentennial Drive.

Finally, Derryfield proposes the installation of two solar powered Radar Driver Feedback signals. (Supplied and installed by the School and New England Traffic Signal Systems) Please see attached.

The Derryfield School is committed to safety and appreciates the consideration of these requests to the Committee on Public Safety, Health and Traffic.

Sincerely,



Gary Harper
Director of Facility Operations

Figure 7B-3. Example of Signing for a Higher Fines School Zone with a School Speed Limit

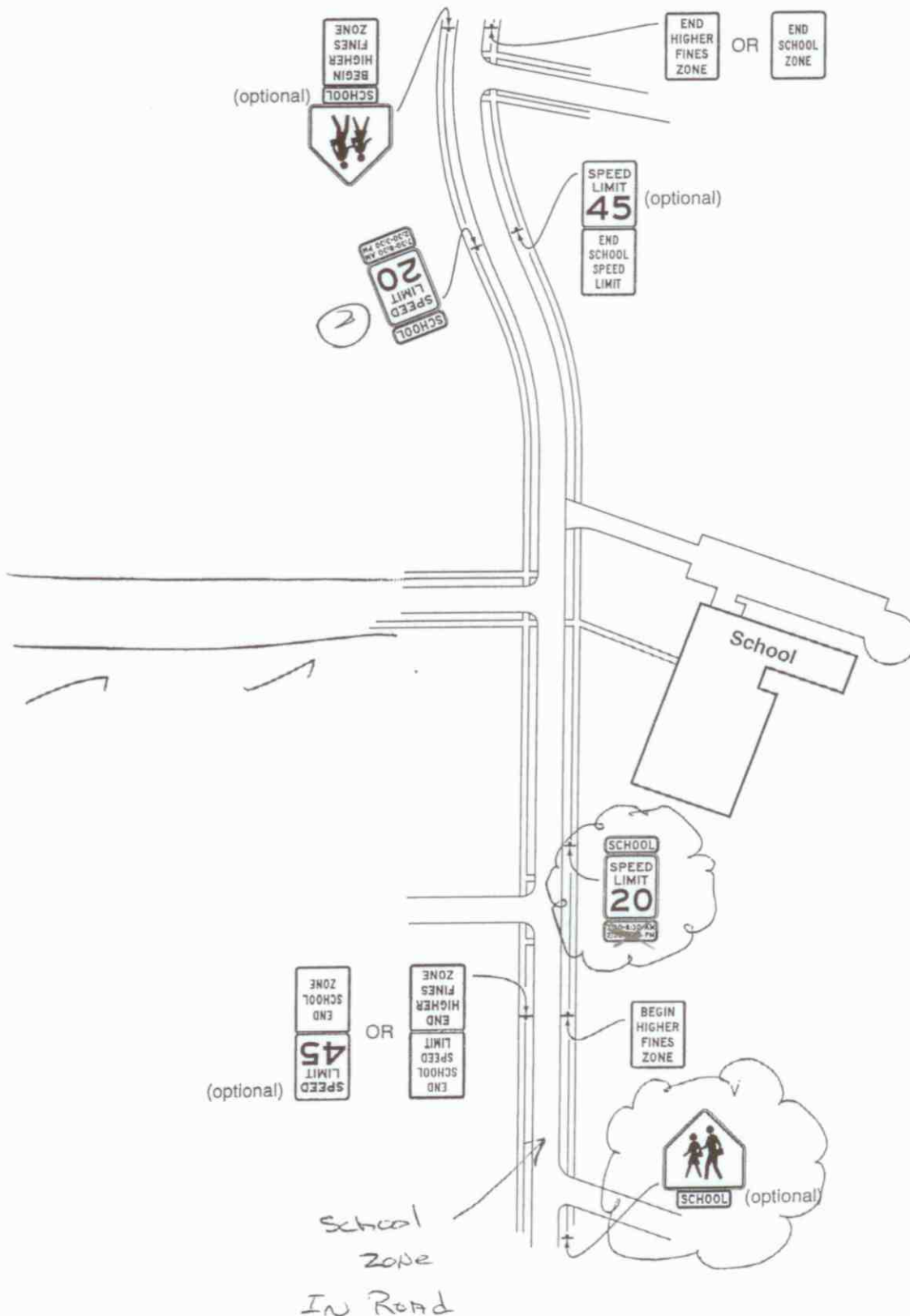


Figure 7B-1. School Area Signs

School Advance
Crossing Assembly



S1-1

AHEAD W16-8P

Ø

200 FT W16-2aP

Ø

200 FEET W16-2P

Ø

← W16-5P (optional)

Ø

↙ W16-6P (optional)

School Crossing
Assembly



S1-1

↙ W16-P

School Zone Sign



S1-1

ALL YEAR S4-7P (optional)

SCHOOL S4-3P (optional)

Ø

← W16-5P (optional)

Ø

↙ W16-6P (optional)

School Speed
Limit Assembly

SCHOOL S4-3P

SPEED LIMIT R2-1
20

7:30-8:30 AM S4-1P
2:30-3:30 PM

OR

WHEN CHILDREN ARE PRESENT S4-2P

OR

WHEN FLASHING S4-4P

OR

7:30-8:30 AM S4-1P
2:30-3:30 PM

MON-FRI S4-6P



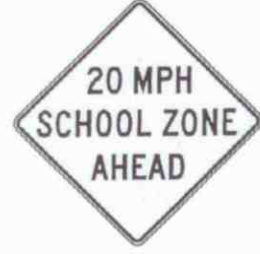
S3-1



S3-2



S4-5



S4-5a

SCHOOL S5-1
SPEED LIMIT
20
WHEN FLASHING
FINES HIGHER B-6P (optional)

END SCHOOL ZONE S5-2

END SCHOOL SPEED LIMIT S5-3

BEGIN HIGHER FINES ZONE B-10

END HIGHER FINES ZONE B-11



FROM: Joni Fexer

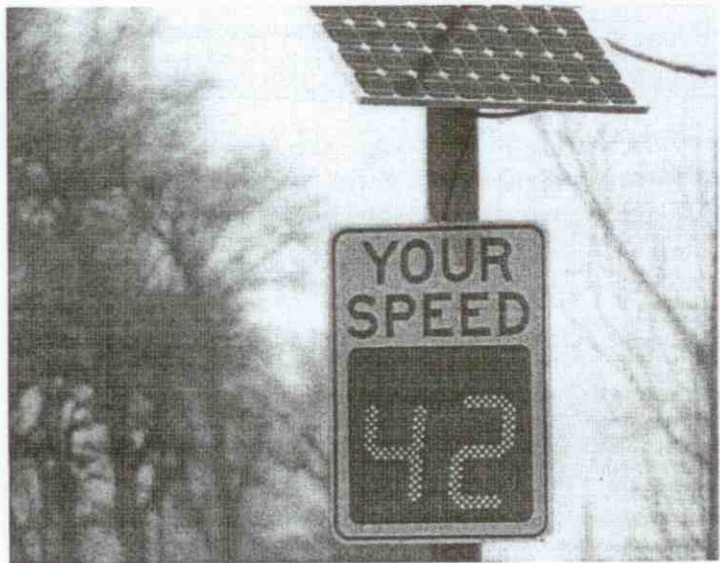
10.6

TRAFFIC LOGIX

SafePace 400 Radar Speed Sign

Traffic Logix' new SafePace 400 radar speed sign offers advanced technology and a full range of functionality to satisfy your radar sign needs.

With outstanding features such as easy-to-use management software, sign scheduling, data collection, robust statistical reporting, low power consumption and unique vandal resistant construction, the SafePace 400 is an excellent choice to help reduce speeding and make our streets safer.



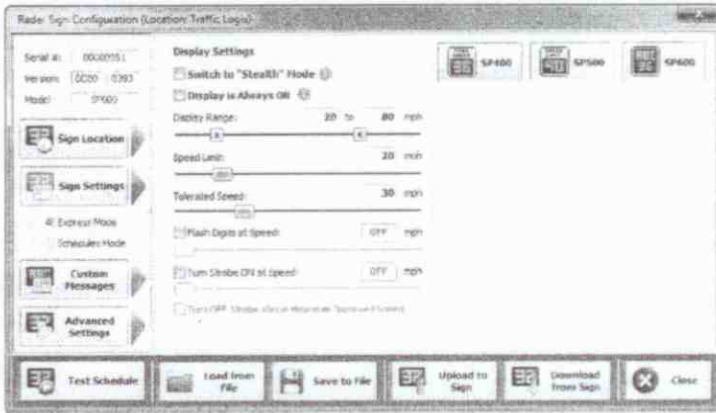
Features

- **MUTCD compliant** with static "YOUR SPEED" message and highly visible 15" LED digits displaying vehicle speed
- Display digits and/or speed violator strobe can be programmed to flash at designated speeds
- **Bluetooth** and **WiFi** compatible
- Complete 24/7, 365 day scheduling with unlimited holiday exception days
- Unique light enhancing, anti glare lens system provides **brilliant visibility** even in poor lighting
- **Optional data collection with robust reporting module** generates standardized reports for traffic analysis while including custom reporting options for more advanced users
- Includes **integrated flashing speed violator strobe** to alert speeding drivers
-  **Ultra low power consumption** including the most power-efficient radar technology available and optional solar power
- **Superior construction** and durability for long-lasting performance
- High strength aluminum sign face and individual optical lenses to **protect against vandalism and theft**
- **Stealth Mode** allows the sign to collect baseline traffic data while speed display appears blank to motorists
- Optional **integrated school zone beacon** system



Software Features

The SafePace Pro software application offers an easy-to-use interface to help manage your SafePace 400, analyze collected traffic statistics, and prepare and print traffic reports.



Manage Sign Settings

System Requirements

- Operating System: Windows XP, Windows Vista or Windows 7
- Screen Resolution: 1024 x 600 pixels or higher
- Communication Interface: Bluetooth Class 1 adapter (supplied) or WiFi
- Disk Space: A minimum of 15 Megabytes of free disk space

SafePace Pro allows you to:

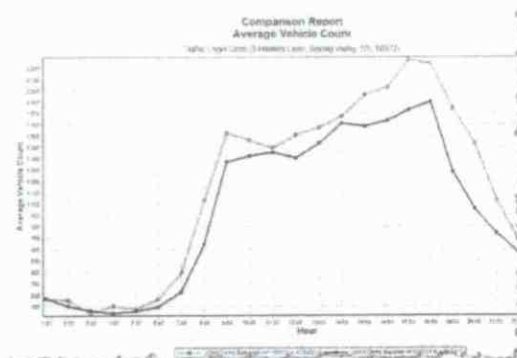
- Read and write sign configuration and schedules to/from the sign
- Set sign parameters such as display range, digits and strobe flashing speeds, detection range, and operating modes
- Download or import collected traffic statistics
- Create, review and print a variety of reports and charts based on downloaded and imported statistics
- Share collected traffic statistics with others

Statistics Summary Report

Location: Traffic Logic Corp
Address: 3 Harbort Lane, Spring Valley, NY 10877
Data Session: Demo Statistics
Report Period: 4/8/2011 to 4/9/2011
Total Vehicle Count: 21,895
Speed Limit: 25

Hour	Total Vehicles	Average Vehicle	Total Volume	% Volume	Min. Speed	Max. Speed	Avg. Speed	85th PPS Speed
06:01	103	2.1	18	35%	11	27	22	22
06:02	80	1.2	25	100%	20	43	32	37
06:03	77	4	92	100%	0	25	25	24
06:04	26	0	33	37%	88	25	22	22
06:05	32	1	24	75%	8	29	28	27
06:06	99	0	95	74%	75	62	55	53
06:07	290	41	207	71%	73	43	25	23
06:08	954	135	305	89%	0	43	21	22
06:09	2,524	218	1,274	80%	0	45	21	22
06:10	1,526	215	1,180	89%	0	43	29	30
06:11	1,443	208	1,172	80%	0	48	20	22
06:12	1,538	215	1,271	84%	0	49	20	22
06:13	1,461	237	1,299	88%	0	48	20	22
06:14	1,650	218	1,320	81%	0	45	20	22

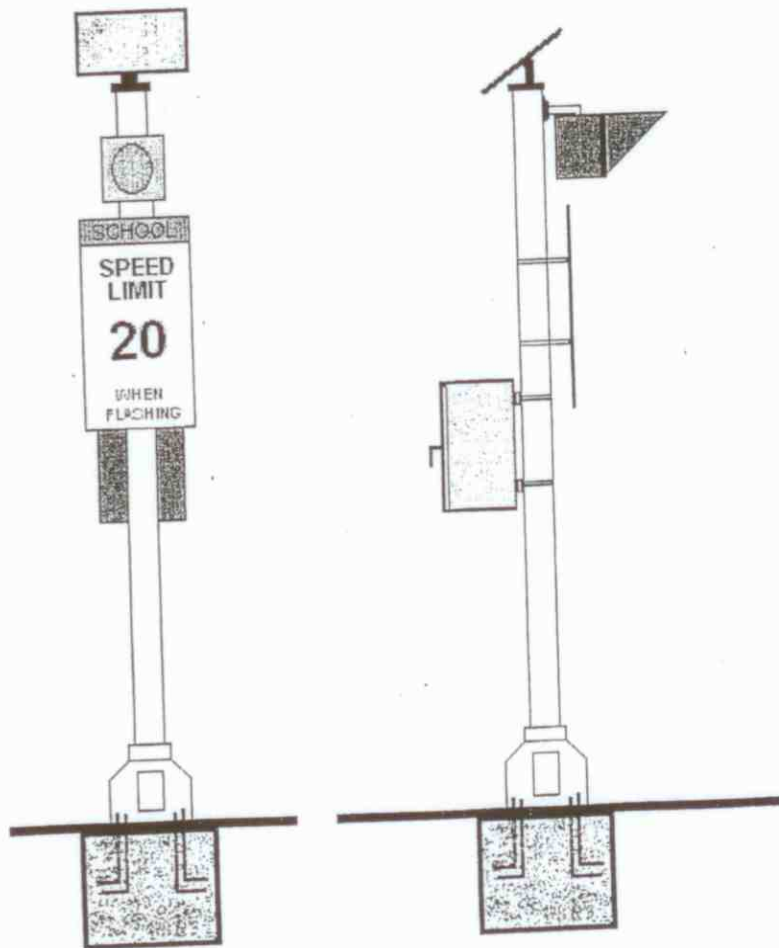
Traffic Statistics Report



Period Comparison Graph

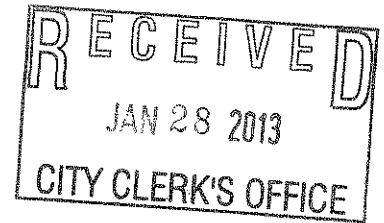


12 VDC





Vincent A. Weners, Jr.
ATTORNEY AT LAW



January 25, 2013

Matthew Normand, City Clerk
City of Manchester
One City Hall Plaza
Manchester NH 03101

RE: Amherst Street Parking

Dear Mr. Normand:

I own property at 566 Amherst Street.

I am writing concerning parking on the City sidewalks on Amherst Street. Parking on sidewalks is prohibited in the City of Manchester. **Code of Ordinances**, section 70.36(a)(10).

Despite past complaints, vehicles are routinely parked on the sidewalks at 571 Amherst Street and on the Amherst Street side of the three-family building located at 49 Alfred Street (the corner of Alfred and Amherst Street). The vehicles are a safety hazard to other drivers in the neighborhood and pedestrians - particularly, school children who are forced into the street in order to walk to and from school. The McDonough School is located about 4/10ths of a mile from these vehicles and Trinity High School a few 10ths of a mile further. These children are put in danger of being struck by a vehicle on this very busy street. Additionally, the vehicles parked on the sidewalks create an unsightly condition.

I have enclosed photographs taken the week of January 14, 2013 to illustrate this matter:

49 Alfred Street, Amherst Street side of this corner house:

- Photo # 1 - cars parked on the City sidewalk
- Photo # 2- another view of cars parked on the City sidewalk (note red top sticks to delineate their parking spot)
- Photo # 3 - again note how the parking spots are marked off
- Photo # 4 - parking spots are even plowed on these sidewalks
- Photo #5 - another view of the City sidewalk turned into a "parking lot"

571 Amherst Street:

Photo # 6 - note the continued conversion of the City sidewalk into a "parking lot" by the neighbor at 571 Amherst Street

Photo # 7 - another view of the car parked on the sidewalk at 571 Amherst Street

Photo # 8 - another front view

Photo # 9 - side view of car parked on sidewalk

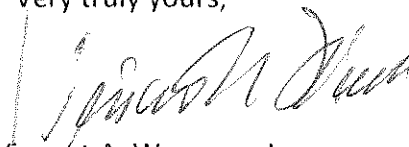
Photo # 10 - more cars parked on sidewalk. Additionally, the neighbor reports that the residents of this house are running a business repairing cars on the City sidewalk in front of this house.

Amherst Street:

Photo # 11 - notice how far out in the road the red truck must park because of parking on the City sidewalk by the residents, a clear hazard to drivers and pedestrians.

I have forwarded copies of this letter and attached photographs to the City Departments who have the authority to correct this situation. I assume this complaint is an administrative matter which will be handled by the Division of Parking Management and Operations and/or the Manchester Police Department but, if the Police Department and/or Parking Management Division are unable to abate this unlawful parking, would you please take whatever action is necessary to bring the complaint to the attention of the Committee on Traffic and Public Safety of this Board of Mayor and Aldermen.

Very truly yours,

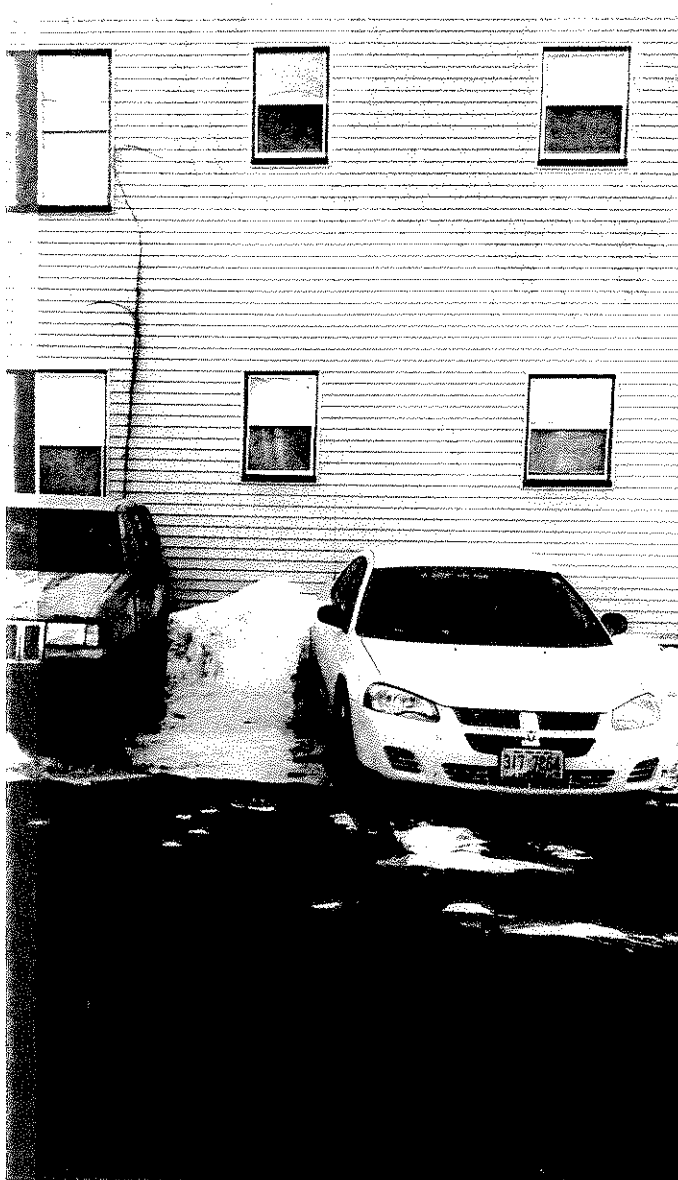


Vincent A. Wenners, Jr.

VAW/dc

cc: Division of Parking Management and Operations
Board of Mayor and Aldermen, Committee on Traffic and Public Safety
Manchester Police Department

Enc./photographs



ed St, Amherst St side of this corner house:
 #1 – cars parked on the City Sidewalk



49 Alfred St, Amherst St side of this corner house:
 Photo #2 – Another view of cars parked on the City sidewalk (note red top sticks to delineate their parking spot)



49 Alfred St, Amherst St side of this corner house:
 Photo #3 – again note how the parking spots are marked off



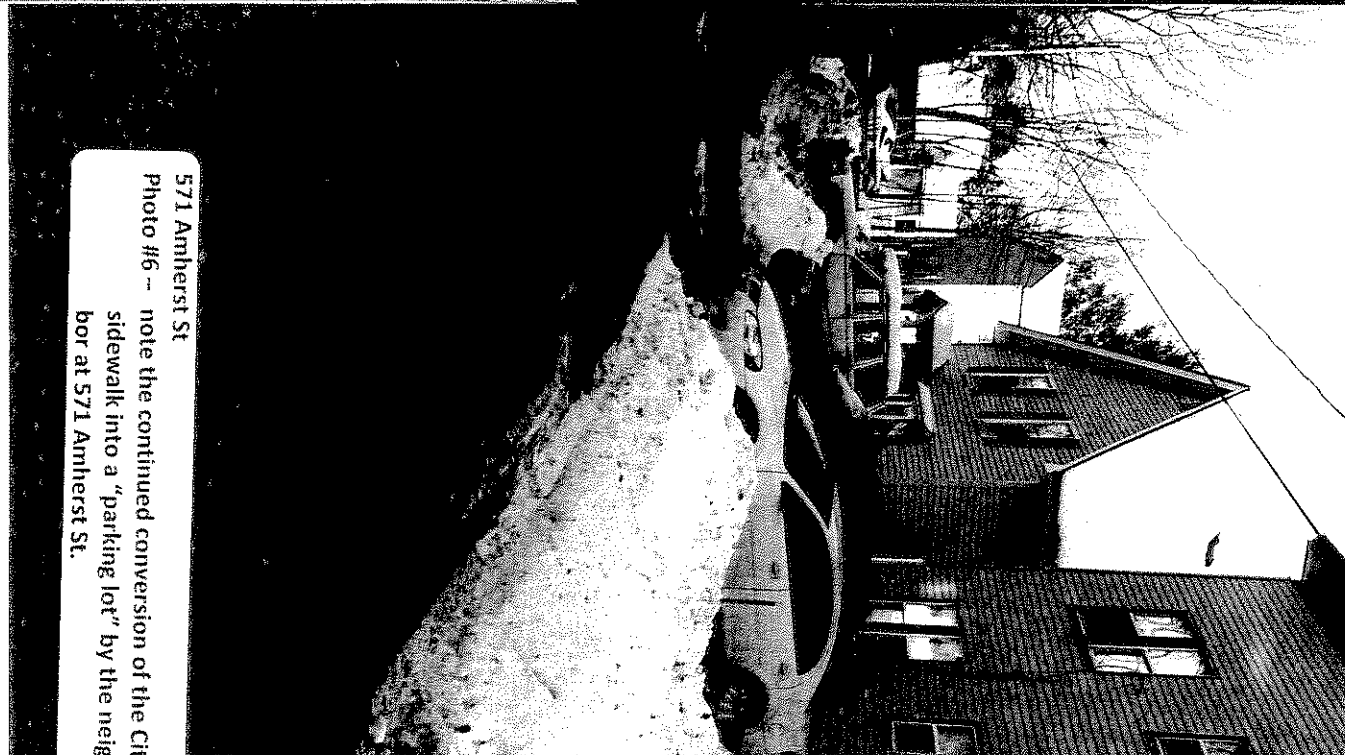
Amherst St side of this corner house:

parking spots are even plowed on these sidewalks



49 Alfred St, Amherst St side of this corner house:

Photo #5 – another view of the City sidewalk turned into a “parking lot”

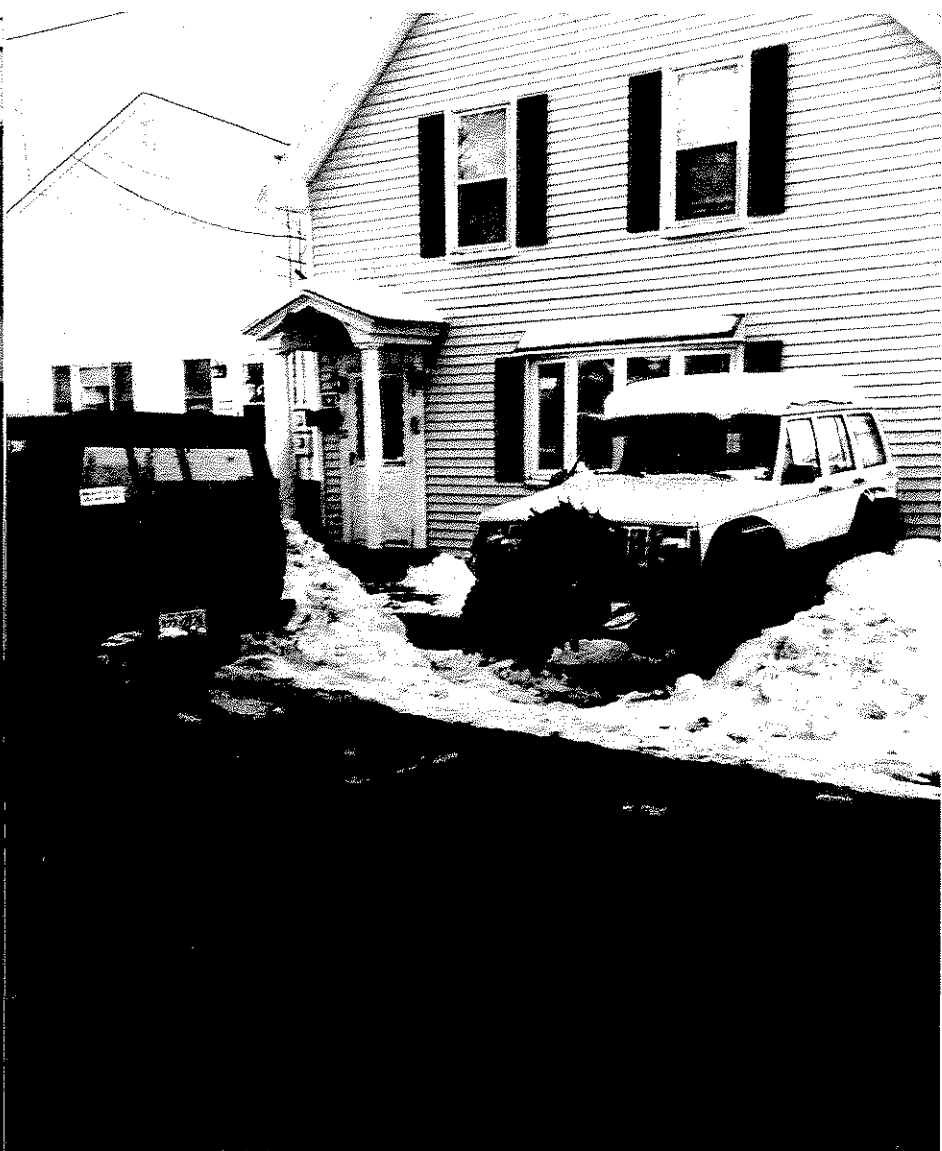


571 Amherst St

Photo #6 – note the continued conversion of the City sidewalk into a “parking lot” by the neighbor at 571 Amherst St.



571 Amherst St
 another view of the car parked on the sidewalk at 571 Amherst Street



571 Amherst St
 Photo #8 – another front view



571 Amherst St
 Photo #9 – side view of car parked on sidewalk



Amherst St
Photo #11 – Notice how far out in the road the red truck must park because parking on the City sidewalk by the residents.



571 Amherst St
Photo #10 – More cars parked on sidewalk. *See more information contained in letter to City Clerk

TITLE XX TRANSPORTATION

CHAPTER 231 CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Discontinuance of Class IV, V and VI Highways

Section 231:43

231:43 Power to Discontinue. —

I. Any class IV, V or VI highway, or any portion thereof, in a town may be discontinued by vote of a town; provided, however, that:

(a) Any highway to public waters, or portion of such highway, laid out by a commission appointed by the governor and council, shall not be discontinued except with the consent of the governor and council.

(b) Any class V highway established to provide a property owner or property owners with highway access to their property because of a taking under RSA 230:14 shall not be discontinued except by written consent by such property owner or property owners.

II. Written notice shall be given to all owners of property abutting such highway, at least 14 days prior to the vote of the town.

III. No owner of land shall, without the owner's written consent, be deprived of access over such highway, at such owner's own risk.

Source. RS 54:1. CS 58:1. GS 65:1. GL 71:1. PS 72:1. 1903, 14:1. 1925, 19:1. PL 79:1. 1931, 12:1; 121:1. RL 95:1. 1943, 68:1. 1945, 188:1, part 9:1. 1949, 13:1. RSA 238:1. 1981, 87:1. 1991, 36:1. 1995, 77:3, eff. June 8, 1995.

TITLE XX TRANSPORTATION

CHAPTER 231 CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Discontinuance of Class IV, V and VI Highways

Section 231:45

231:45 Subject to Gates and Bars. – Any class IV, V or VI highway, or any portion thereof, may be discontinued as an open highway and made subject to gates and bars, by vote of the town. Such a discontinued highway shall not have the status of a publicly approved street.

Source. RS 54:1. CS 58:1. GS 65:1. GL 71:1. PS 72:1. 1903, 14:1. 1925, 19:1. PL 79:1. 1931, 12:1. RL 95:1. 1945, 188:1, part 9:2. RSA 238:2. 1969, 332:1. 1981, 87:1, eff. April 20, 1981.

Mayor Gatsas, Aldermen, Ladies and Gentlemen,

I'm Phil LeBlanc, manager and part owner of LeBlanc's TrueValue Hardware. We're family owned, and have been in business for over 45 years.

Our first location was at 156 Wilson St. until a tragic fire destroyed our business in 1973. We relocated to 252 Jewett St. in 1974.

Outgrowing that location we moved to 621 Hayward St. where we have been for the last 32 years.

We are here tonight to discuss the closing of Hayward Street.

Alderman Bill Shea said it was the Mayor and Aldermen who proposed and passed an ordinance to close Hayward St.

For those who know the lay of the land Hayward St. has been an active thru street, where drivers avoid the slow moving and congested traffic of Valley St.

We started a petition after many complaints by customers and local businesses.

Kevin Shepard informed me that the jersey barriers would be removed and replaced with a gate, a gate that would remain closed and opened at their will. He also said the gate was for the safety of city employees who work in the yard.

Many city employees who are and will work at the complex said this was a bunch of BUNK.

My proposals are : A. That the gate remain open permanently.

B. That the gate remain open during regular business hours and if necessary install speed bumps to slow the speed of traffic.

Politicians like to say that small businesses are the heart of the community. Many small businesses are struggling with the economy and

competition. Keeping Hayward St. closed has affected many of the neighborhood businesses.

Our customers find it irritating and confusing, especially the elderly, in navigating the detour. Rogers St. is one of the detours drivers take. They drive too fast for a street that is not much more than a backstreet, a danger to all who work or travel this street.

I present to Mayor Gatsas and the alderman a petition with over 500 signatures signed by customers, business owners, who live, work, and vote in this great city called Manchester.

Paraphrasing one of our greatest and most beloved presidents, Mayor Gatsas and aldermen, TAKE DOWN THIS BARRIER!

BUSINESSES AFFECTED BY THE CLOSURE OF HAYWARD STREET

Petition for the Removal of Barriers at The Manchester Municipal Complex

To: Mayor Ted Gatsas, Manchester Board of Alderman's, and Director of Public Works and Highway Division Kevin Sheppard.

We the undersigned respectfully express our opposition towards the installation of barriers at the Municipal Complex and desire to have the barriers removed. These obstacles block the flow of traffic running through Hayward Street from Lincoln Street to Wilson Street. These barriers are burdensome to local businesses and adversely impacts the safety of the neighborhood.

The following have agreed with this position:

<u>Name:</u>	<u>Address:</u>	<u>Phone Number:</u>
BRUCES YAR (Woke)	445 Hayward St	641-1115
Norman & Bill Bruce	460 Jolly St	622-3467
MARGIES DREAM	172 HAYWARD ST	627 7777
GEORGE KOKKINOS	172 HAYWARD ST	234 1543
A.W. Therrien Co.	149 Hayward St.	669-3344
Richard C. Benhamme	11 Shaw Dr. Bedford	472-5021
CAUDY KINGDOM	235 HAYWARD ST	641-8470
Richard Capers	4465 BROWN AVE	860 3407
JAY GIRARD	455 HAYWARD ST	622 8142
AL GIRARD	455 HAYWARD ST	622-8140
Richard Ducharme	65 WORTHLEY RD	351-9478
CLAIRE CHAUVEAU	371 Concord Rd	493-9286
LAURENTE PRESS INC	455 HAYWARD ST	622 8142
DEAN TVE	479 Hayward St.	672-9878
Dan Lorge		
Rose Davis	195 Lincoln St	627-7869
M.L. HALL		
Auto Service Solutions (Auto BN)	9 Rogers	669-7482
Jason Bill	598 Rechar Rd	487-2819
ADVANCED AUTO REPAIR	264 WILSON ST	668-8538
RUSSEL BISSON		
ROBAT HOLDINGS LLC	60 ROBERT ST	493-2281
TOM DEBLOIS	824 S. MAMMOTH	493-2281
GILBERT DRIVE LINE	340 MASSACHUSETT ST	623-3061
Bruce Gilbert	88 COLMAN RD AUBURN	483-8993
LENNAY OIL	264 WILSON ST	625-9231
RON LORRY	264 WILSON ST	625-9231

Petition for the Removal of Barriers at The Manchester Municipal Complex

To: Mayor Ted Gatsas, Manchester Board of Alderman's, and Director of Public Works and Highway Division Kevin Sheppard.

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The following have agreed with this position:

Name:

Address:

Phone Number:

Joe Provencer	79 Kennard Rd	603 361 3098
Mark Knochmal	445 Beacon Ave.	603 623-7936
Ron Petto	929 Harvard	603 610 0038
Mark Higgins	167 SAGAMORE ST	603 627-0503
Yphs adote Skates	186 Green St	603 622 4726
John Leveson	27 Walnut St	603 621 4828
Anna Plafie	445 Cedar St.	603 264-4165
Mauree Leveson	45 Babbalton	603 203 9287
S. Champagne	220 Wilson Rd	
John P. Brinkland	960 Kuyper	603-496-1846
Dennis Muehl	25 Nails Rd	603-587-0181
LISA MUSKOT	133 N. Adams St	624 1292
WINSTON GHAW	49 Church Rd Bedford	693-0000
David Nennel	99 MYRTLE ST.	"
Myrtle Pamy	2833 Wellman	627-4975
Steve Landry	135 Kennard Rd	497-2583
R. R. Fontaine	376 Harvard St	
B. R. R. R.	8 Litchfield	494-9810
Paul Manning	1 Sheff Ave	927-9810
Susan Herbert	177 WILSON ST	533-7333
Anne Marie Swierz	715 Lake Ave	860 9243
Nancy Coppender	6 Watson St.	627-4261
James Atkins	853 Hayward St.	622-0241
Tom Brown	250 Taylor St.	625-6429
D. J. Jones	1313 Bodwin Rd	661-4141
John Oliver	46 John D. Mackin	623 1152
Stan Bodmer	353 Merrimack	603-365-5474
Henry Thomas	216 Silver	603-668-1314
	3 YORK RD. BEDFORD	603 485-7040
		603-472-3339

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Petition for the Removal of Barriers at The Manchester Municipal Complex

To: Mayor Ted Gatsas, Manchester Board of Alderman's, and Director of Public Works and Highway Division Kevin Sheppard.

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The following have agreed with this position:

Name:	Address:	Phone Number:
<i>Gene Anderson</i>	<i>67 Ridgefield DR Milford</i>	<i>603-24445</i>
<i>Dee Rn</i>	<i>96</i>	
<i>Cam</i>	<i>940 Hillman</i>	<i>231-1640</i>
<i>Don Myers</i>	<i>722 Valley St</i>	<i>626-7337</i>
<i>Leonard Fithaway</i>	<i>119 Heritage Way</i>	
<i>Paul Gaudin</i>	<i>8 Roford</i>	
<i>Charles W. Duke</i>	<i>471 State St</i>	
<i>Robert H Groble</i>	<i>500 Pine St</i>	<i>264-2145</i>
<i>Don Chappel</i>	<i>193 Green St</i>	<i>603-315-4969</i>
<i>William Carr</i>	<i>Auburn</i>	<i>603-703-1239</i>
<i>Judi Mayday</i>	<i>Auburn</i>	<i>603-703-1239</i>
<i>M. L. C. Joyce</i>	<i>100 Spruce St.</i>	<i>232-7709</i>
<i>N. Bishop</i>	<i>324 Underbush St.</i>	<i>603-661-9174</i>
<i>MIKE VALLEE</i>	<i>352 MITCHELL</i>	
<i>Nancy Gorgiveam</i>	<i>1262 Hall St.</i>	<i>216-7470</i>
<i>Dennis Collier</i>	<i>115 Taylor St</i>	
<i>CHARLES LAWRENCE</i>	<i>9 DEVCO DR</i>	<i>603-627-456</i>
<i>Gary Jonas</i>	<i>523 Laydon Dr</i>	<i>669-2093</i>
<i>Michael Wood</i>	<i>96 So. Fremont St</i>	<i>603-666-4326</i>
<i>Mike Gagne</i>	<i>23 Hill St</i>	<i>603-627-1127</i>
<i>Walter Michael</i>	<i>445 Cedar St.</i>	<i>603-647-1606</i>
<i>Norman J. Breckley</i>	<i>214 RIVER RD.</i>	
<i>GENNY ROTH</i>	<i>Jim DOWNS</i>	
<i>DAN LADUE</i>		
<i>Katherine Buntel</i>	<i>Mission St</i>	<i>603-600-4849</i>
<i>Ray O'Donnell</i>	<i>8 Memorial Dr Ma</i>	<i>603-627-6888</i>
<i>Jim Damm</i>	<i>290 Capers St</i>	<i>623-0025</i>
<i>Mr. Gilbert</i>	<i>627 Overport City</i>	
<i>Mike Wilson</i>	<i>295 Hadover</i>	<i>540-9169</i>
<i>Simon M. Hub</i>	<i>870 HAYWARD ST</i>	<i>603-661-9700</i>
<i>Thomas Morris</i>	<i>270 MANNING ST</i>	<i>668-9580</i>
<i>Joel Williams</i>	<i>551 Silver St</i>	<i>601-8982</i>

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Petition for the Removal of Barriers at The Manchester Municipal Complex

To: Mayor Ted Gatsas, Manchester Board of Alderman's, and Director of Public Works and Highway Division Kevin Sheppard.

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The following have agreed with this position:

Name:	Address:	Phone Number:
Carol Burke	909 Belmont St	603 644-4613
Jana P. Jensen	349 Wilson	603 620 3708
Don Shabell	428 Cohagen	603-669-1564
John B. B...	574 Hooksett Rd	603 623 9081
Jay B...	1375 Bodwell	603 661-4141
Christine Scott	1071 Hamner	603-395 8900
Hector Ortiz	82 HAMBLET ST	603-591-0242
David M. M...	528 Lincoln	603 262 6717
Art K...	530 Applebrook St	603-494-1702
Q. McMahon	216 Bury St	603-623-2391
David Gagne	975 Island Pond Rd	603 621 9761
Norm Campbell	151 Lucas Rd	603 669 1475
Jane Abell	449 Haverhill St	603 591-2474
Rick Bartlett	374 Manchester Rd	603 867 3013
Mary Fargue	295 Mystic St	603 622-2731
Russell Gibson	233 Taylor St	603 668-0568
David Fein	264 Windust	603-702 9173
Jackie Cloutier	1354 Varnum	603-361-4391
Daniel Sirothe	93 Benjamin St	603-626-6000
J. Brown	101 High Crest Rd	603 624 4466
Gail Burke	65 So Hill St	603 604
ROBERT JARRO	135 Stanton St	603-625 6392
Ray Gaudreau	24 GEORGE ST	603-5806
James Dixon	175 Birch St	607-7539
D. S. O'Connor	1152 Hayward St	603 11 47
Jean Bergeron	29 Old North Hill Rd	603-11 47
Therese Bergeron	35 W. ROSEMONT AVE	603-11 47
Kathy Parker	35 W. ROSEMONT AVE	603 2220
HEURY SLICKERS	131 Highland Park	603-5898
Joe Mullett	901 ESTWOOD DR	759-4218
Mon T...	161 Cambridge	622-1201

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Petition for the Removal of Barriers at The Manchester Municipal Complex

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The following have agreed with this position:

Name:	Address:	Phone Number:
Rachel Speerer	265 Salmon St	603-682-3845
Brian McDynski	13 Pennacook St	603-788-2329
Brian Lanni	755 Howe St.	603-622-6228
Robert Shaw	1030 clay st.	603-935-7464
Nana Fencaler	334 Parkers St	603-716-3662
Jane Beaulieu	609 So. Main St	603-203-8440
Claude Vincent	878 Somerville	603-826-5820
Mike Takasarian	352 Lowell St	603-930-4240
Lynn Fisher	160 Union St #3	603-490-7051
John Ginnas	116 Portsmouth	603-642-4552
Bill Louis	1 Lennox St	603-232-0000
Phil S...	1414 Wellington Rd	603-623-0493
JIM COVATIS	1686 BROWN AVE	(603) 703-5216
Keith Dyer	78 ASHLAND	603 622-6230
Roll Pennington	77 Edward	(603) 472-3703
Marian Villeneuve	306 Liberty Hill Rd	(603) 472-3703
Victor Villeneuve	306 Liberty Hill Rd	(603) 669-9138
Milton Ingram	300 Kew-Forest Ave	603 668-6597
MARK T. MASON	425 Elm St.	603 674-2022
James McGuire	435 Central St	603 625-9476
RAYMOND CAUTHIER	53 CRAWFORD ST	603 264-8566
Betty Delisle	519 Lincoln St	603 6249490
R. Bonarres	459 Central St	604-2197
Ald. William P. Shen	147 Penn A	622-8079
Dwaine Paulus	460 Vinton St	235-8248
Domena Rocca	32 GERTRUDE ST	622-8919
C. Kog	1070 BRIDGE ST	624-1213
Stan Wade	Belmont St	396-8312
Billy Gorkort	NORTON AVE.	231 1000
Steve Darby	553 4192 Homles	603 289-1281
	46 Brooklyn Ave	
	573 Vinton St.	

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The following have agreed with this position:

Name:	Address:	Phone Number:
David Papette	152 Union St City	(603) 731 7297
DAVID SCUDIRE	72 Westwood Dr	623-7668
Steve Watnick	Lake Ave	23-22436
Dennis Cloutier	4A Lindgard	621 0253
John Bartley	163 KNAWTON ST.	669-9146
John Smith	546 Main Rd	486 8821
Michele Blumstein	230 Ray St	365-9992
Jessie Blanchard	465 Laydon St.	235-8316
Jon Dimpson	61 Ellipse	271-2640
Joe Wilk	239 FREMONT ST	669-3553
Anna Chen	374 March st	486 4220
Frank Williams	29 Main Dr #2	782-8553
Steve Gagnier	6205 West 2	486-9209
Frank Delong	62 Bayview	603-622 0408
CHIP BERGERON	152 Beech St.	603 668-4365
ANNE-MARIE SWIERZ	62 2nd Orange St	603 232-4028
Daniel Lumen	853 HAYWARD ST	603 622 0241
Dorothy Cooperider	"	"
Cheryl Fauran	250 Taylor St	603 625 6429
John Lakso	38 South Hall St	603-518-5712
Harold Kemp	1325-Berkman Rd	603-661-4141
ATTN: Kemp	671 Cornway Rd	603-716-0176
Nedra C. Dubois	671 Cornway Rd	232 6988
Daniel Dubois	1189 Somerville St	232-6988
Ronald A. Belaski	1189 Somerville St	591-4615
RAY TOYAL	9 Dearborn St	300-3611
Bill Luther	165 Third St	483 2923
John P. P.	Bunker Hill Rd	765-1366
David O. M.	46 S. Taylor St.	669-0404
Elise Roy	142 TALBOT ST.	669-1247
Michele P.	36 Maple St	603-232-5472
	Bowman Rd	

Petition for the Removal of Barriers at The Manchester Municipal Complex

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The following have agreed with this position:

Name:

Address:

Phone Number:

James E Donohue	245 Harvard	791-9402
Richard Bergeron	787 Hanover	703 6287
Wendy Bergeron	150 Spruce St.	
Pam Berry	401 E High St.	608 6093
Tim Telle	22 Rogers Street	644 8600
Rob Bergeron	303 Central St.	625-1593
Richard Mitchell	178 Knowlton St.	836-5968
Whitney Miller	902 Valley St.	629-9575
Kim Blumhelle	238 Paw St	645-9604
Mark LaMacchia	25 West North St	622-3332
Thomas H. Pan	2nd Philip	815 1117
W.M. Moxey	362 Hanover	866-9832
Bill Stergios	PO Box 217 Candia	542-8556
Richard Henry	129 Anthony St	645-1397
Jacelyn Cronin	3 Pine St	591 5206
Al J. Puglisi	555 Cole St Apt 17	664-002
Michael Alford	136 Thistle Way	603-533-2550
Betty Gaillard	722 Valley St	603-626-7333
John LaMayne	34 STAR CIR AUBURN	603-483-8511
27 North	470 Silver St March	603 203 0979
Norman R Dupont	123 Riley Ave March	603-669-2944
Raymond Houle	200 Parkview St	603 622 1940
Perry Chaloz	271 Larson Ave	6234007
NATHANIEL THOMPSON	473 WILSON ST	657-6707
Bob DeSimone	218 WILSON ST	622-8239
Samuel Allen	270 Manchester St	603-401-8315
Mary Zeck	220 WILSON ST	603 486-8272
Nick Pule	919 HAYWARD ST	603 222 9146
Mike DeRoo	2 DuPont St	396-0148
Jack Pash	33 High Bridge R	345 4190
Monica Anderson	351 2nd High St.	264-4495
Lyne H. Elie	628 Hall St	627-1215

Petition for the Removal of Barriers at The Manchester Municipal Complex

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The following have agreed with this position:

Name:	Address:	Phone Number:
Alex Saidel	268 S. Mammoth Road	603-626-7213
Tyrene M. LeBlanc	116 Oakdale Ave.	603-623-2755
Edwin Stoker	106 HASTINGS STREET FRAM	603-872-1117
Robert Allen	240 S. Main St	603-622-0605
Bob Allen	213 Silver St	603-231-7677
Bob Allen	244 Wilson St	765-8442
William	333 Cohas	603-669-3939
Robert Allen	61 Beech St	603-7054
SETH DAVEN	140 Pennsylvania Ave	232-2984
GLENN KAHN	201 S. Taylor Ave	641-0334
GARY LEHMAN	111 Shrewsbury Dr	714-8197
RANDY MORRIS	61 MAPLE ST MAREH	300-7508
Robert Stoddard	35 Holt Ave	663-1026
Steve LeBlanc	270 LAURELS	603-6555
Art Shumaker	116 Oakdale Ave	603-289-1470
Michel Arouts	314 Belmont	603-624-5254
Kevin LeBlanc	20 Bath St Bedford	603-622-6035
Carol Guenzow	610 Green St	603-495-5388
Russel Bisson	347 ASI ST	603-540-3944
Gregory Brown	759 HARVARD ST	603-661-8528
Walter	316 DePorter St	603-835-9576
Kenney	389 Hayward St	603-893-1884
P. Casag	211 TAYLOR	603-5514
Scott	14 Falls Ave	820-4146
John Martel	18 HIGHLAND PLAZA	609-3493
Hen Buelen	111 Main St	669-4073
Ernie Burton	60 Rensay St	289-9119
Dan Kelly	16 HAYS AVE	582-7377
Paul Rule	787 Corning R	759-1401

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The following have agreed with this position:

Name:	Address:	Phone Number:
Robert Schultz	3035 (N) 03105 3035	2 396 6296
Robert Borealis	506 Hancock St.	674 2138
Robert San Soucie	44 Hulse Rd.	623 0133
Sam Chetters	80 Overlook Ave	603 858 2850
Rocky Cabrera	259 WILSON ST	6
M. CARTER	67 HOLT AVE	603-623-5878
A. KERVILLE	58 DOWNEY AVE	1-603 798 9750
CHRISTOPHER	455 UNION	603 623 1203
Ad. Ornel	814 Dix Street	603 669 7482
Jason Bill	9 Rogers St Manch.	603 625 0289
Ed LEWIS	574 LAKE AV	603 332 5431
MIKE VALLES	357 MITCHELL ST	" 289-2559
Robi Dallano	70 Exeter Ave	" 289-1869
Tam Dallen	70 Exeter Ave	603 247-6330
STANLEY WILLIAM	36 ROSEGATE AVE	" 315-4549
Mandal S. WARDEN	36 ROSEGATE AVE	625 8718
Maureen D. B. G.	1001 Hayward St	264-0528
Fernando H. Marion	414 Union St.	339-7820
Jonathan Joyce	658 Lake Ave	486-1917
Richard R. Mathew	266 LAUREL ST.	602-9275
Myang Gardner	25 Depot St	336 B. Ave
W. J. S.	Reilly St.	800-5849
Nick Civer	Deer St	785-5730
Greg Peterson	5 Jewett St.	828-337-1684 cell
Elizabeth R.	73 Manchester St. #	603-300-6909
Randy W. W.	31 Cather Ct.	603-216-4210
Jeff S. Plavins	353 Amherst St	603-622-2735
Shelley	65 Dwan Ave	603-867-3527
Quinn D. Matthe	148 GREEK ROAD 107	603 669 8165
Sam R. W. L.	142 Robinson	607-668-5958
Patrick Graham	32 Debbie St	
Harry L. L.	1025 W. 11th St. P.O.	

Petition for the Removal of Barriers at The Manchester Municipal Complex

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The following have agreed with this position:

<u>Name:</u>	<u>Address:</u>	<u>Phone Number:</u>
Ellen Counihan	185 Maple St	603 867-0007
Patricia Duhamel	185 Presidential Rd	603 627-1459
Barbara Dwyer	430 W Westwood Dr	669-0249
Brian Dwyer	923 Elm St	625 4960
John Dwyer	69 Laxson Ave	860-9249
Christopher J King	424 Bartlett St	370-9196
Robert Walsh	114 Weston Street	622-1023
Chris Lee	244 Wilson St	763 6494
Cindy Lee	258 Beach Hill Ave	657 5586
Randy Lee	244 Wilson St	591 0670
John Smith	244 #3 Wilson St	851 0125
Alexis Lee	258 Beach Hill Ave	854 0031
Deanna Turo	244 #3 Wilson St	713 3090
Diana Demont	18 Malvern St	232 2259
Tom Mear	1043 Bay St	361 3687
Erin Shirley	612 Barnette Ave	361-3868
Val Fontaine	1107 Hayward St	
Joey Mear	330 Knapwood	627-8994
Mark B	Front St	
Dawn Fisher	160 Union St	490-7051
Robert Spacone	90 Norris St	669-5239
Michael	70 Emily Hill Rd	345 3262
John T. Dwyer	372 CAFE AVE	644-5370
Michael B. Dwyer	240 JEWETT ST	629-9252
Baron Ditzenthaler	76 Oakdale Ave	312-9526
Paul Dargis	225 Brackett Rd	603 6699676
Ron Dargis	233 TAYLOR ST	628-2731
Mary O'Grady	411 Haverhill St	622-1732
William J. McCarthy	617 Central St	668-1732
Robert J. McCarthy	85 Weston Rd	232-9113
Brian Dwyer	1415 Elm St	494 2809
Pamela J. Dwyer	23 Hall St	627-1127

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The following have agreed with this position:

Name: MAN

Address:

Phone Number:

MIKE DOWDARD
JACK COHEN
AL HERBERT, JR.
Marilyn J. Foster
Robert J. Foster
J. Michael
John Carter
R. A. Passafiume
Malcolm H. Beaumont Sr.
J. J. Grogan
C. W. Langan
Mary Langan
Richard J. Langan
Wally
Thom J. Langan
Joel Murphy
Bob Murphy
Chris J. Langan
Dina J. Langan
Doris J. Langan
Mae J. Langan
Terry J. Langan
B. J. Langan
Sean McNamara
Ray Theriault
Mary Keeney
Mark Lamarche
Dave Carver
B. J. Langan
B. J. Langan

55 LINCOLN ST
105 BURNSEN AVE
235 So. PORTER ST.
181 Sagamore St
45 So. Elm St
442 Linden St
42 Alfred St
23 Appleton St
565 Beacon St
42 Taylor Ave
87 W. Main St
Appleton St
100 Lincoln
62 Davis St
77 Hillman Rd
265 Belmont St
521 Elm St
23 Blyden Rd
148 Elm St
695 Elm St
1278 Somerset St
46 S. Taylor St
82 W. Main
6 South Cypress St
368 Lowell St
25 Mammoth Rd
111 Sherwood
37 Bedford
43 Flamingo Ave

6685474
606-2575
668-4359
626-3051
668-8481
623-3523
625-1210
885-3700
603-641-5028
603 7266831
4975044
860-8764
623-1456
669-7500
6443684
2352795
512-9292
624-4983
6697683
625-5367
651-006
C. 913 1686
641-3391
622-7714
602-3332
817-2824
361 3529
625-4778

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The following have agreed with this position:

Name:	Address:	Phone Number:
Jayne Egan	134 Norton Ave	603-703-8023
Michael Doherty	351 S Main St	
Robert Duvall	126 Cottage Ave	603-622-1970
Paul W. Baine	393 Anker St	
Mike Szabo	412 Holly Ave	
Martha Young Deane	160 Mammouth Rd 03109	
Bill Miller	183 Hayward St	
Mary Lessard	41 Pratt St	625-8197
James Lessard		11
Madeline Shields	175 Village St	609 3047
Daniel Biron	9 Old Sails Rd	603-928-7992
Dickie Lorange	745 Coral Ave	603-627-2293
David Lorange	325 Harmon St	
Bob Kemp	508 Union St	625-1511
Stephen S. Balkin	12A N. Woodman Ave	261 0597
JULIE JUSSIE	716 HAYWARD ST	603 361 0874
Clayton Gile	339 Harvard St	603 624 1531
RAY SWEET	127 MYRTLES	603 855-6256
CHARL GERMANA	892 DIX ST	603 361 7157
SHARON EBOL	158 SUNNYSIDE ST	603 627-1727
Diane Richard	684 DIX ST	603-624-6987
DENNIS BELL	211 Irving - Wilson St	669 1622
DAVID G. AGNEW	129 PROUT AVE	603-4365-6686
Andre Cantin		
Clay Dupont		
Dale Dupont		
Bert Davis	Harvard St.	
Tom Davis Jr		
DANIEL SKWOZYNSKI	387 Belmont St	603 867-4112
J COLE	389 Chest St	
Luc Dupont	141 West St	

Petition for the Removal of Barriers at The Manchester Municipal Complex

To: Mayor Ted Gatsas, Manchester Board of Alderman's, and Director of Public Works and Highway Division Kevin Sheppard.

We the undersigned respectfully express our opposition towards the installation of barriers at the Municipal Complex and desire to have the barriers removed. These obstacles block the flow of traffic running through Hayward Street from Lincoln Street to Wilson Street. These barriers are burdensome to local businesses and adversely impacts the safety of the neighborhood.

The following have agreed with this position:

Name:

Address:

Phone Number:

Steven Pierce
Paul Belva
Agar Singh
Jorge Chum
Chris K. O'Brien
Donny Tyler
NORM HEBERT
Ann Viscavagl
Patricia A. Tatham
Dennis Tubone
Gerald N. Ximenes
Mike Pawl
Ellen MacFar
Richard D. Goff
Linda J. Goff
Susan G. Goff
ARTHUR DESROSIERS
George Isbards
Ken Torgans
Jim Goff
TARA McFolgan
JOHN Bugden
Guy PLANTE
Ed McLanson
Janet Goff
R. Francis
Mary Freitas
Dorell James
Kathy Pelletier
Norm Bink
GARY TREMBLAY
J. Martin

960 W. 4th St
1082 Montcalm Rd. - 03046
Prospect St 0304
82 Haverhill St
19 Sunflower St
236 Jewell St
105 RIVERBANK
493 Amherst St 03104
152 Purdue Street
789 B. Hill
805 PAGE ST
1667 Union St
67 Rogers St
315 Candia Rd
315 Candia Rd
47 Leo St 03103
111 BLAINE ST
89 SAAMORE ST
225 Taylor St
901 SOMERVILLE ST.
38 Exeter Ave
33 RIVER FRONT DR
251 MOREY ST.
15 Cushing Ave
15 Cushing Ave
279 Candia Rd
2111 Pell St
111 Wilson St
7 High Ridge Rd
579 CLARK ST
395 Haverhill St

603-674-0986
603-774-3843
978-6835669
869-2724
8512-2486
714 0130
668-1486
637-6665
689-2296
627-2021
252-5915
668-2290
623-5848
623-5845
603-234-5005
656-9909
602-2731
647-2427
682-9834
625-2606
627-1516
315 0965
785 0401
622-9056
201 1960
203-0559
8584212
MA. N 03003
702-1127

Petition for the Removal of Barriers at The Manchester Municipal Complex

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<u>Name:</u>	<u>Address:</u>	<u>Phone Number:</u>
Cindy Coburn	627 Somerville St Manch.	625-1658
Michael Leary	51 Kinkscourt	627-2173
William L. Hill	144 Crawford St	624-1216
Leon Marnette	30 Woodburn Ave	649-1787
Patty Regan	739 Grove St Manch.	289-7764
Tom Jorgensen	12 Ville St	860-6685
Brian Casey	886 Beech St	935-8433
Frank R. L. L. L.	75 Laurel St	261-1121
Joe Lavin	715 Union St	860-7512
Jim Jaskolski	1157 Front St	623-1944
Greene Fellows	34 Hillsdale Dr	Hopkinton 497-2123
Amin Nawar	8 Olmsted	86-75194
Richard Philibotte	8 Olmsted	445-1435
Sharon Reed	6 Farmer Rd, Hooksett N.H.	235-7701
Tom Shady	184 Bridge St	624-2837
Raul Kohn	802 Yallah	818-3027
Roland Bernatek	636 North St, St	555-3319
Kathy Bernatek	636 North St, St	553-5517
Peg Dancit	747 So. Beech St	623-0730
Paul Dancit	747 So. Beech St	623-0730
Scott Cookman	45 Cog St Manchester	
Sue Palmer	108 So. Taylor St	
Will Biron	115 Flit St Manchester	
Deborah Alexander	211 Brickett Rd Manchester NH	
Andrew Blom	1157 Front St	MANCHESTER NH
Wanda Brown	1157 Front St	MANCHESTER NH
Steve Goff	110 Cumberland St	Manchester NH
John Egan	501 Ford Ave	603-203-1211
Charles Holt	345 Prospect St	
Beverly Bernier	107 Hancock St	MANCHESTER NH
Jim	500 Swoey	
William	491 Hurst St	Manchester

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The following have agreed with this position:

Name:

Mike Ribini
DAVE BAKER
Jimmie Deniwddie
Ronald M. Cote
DAVID LANEANIK

Address:

241 CONDO Rd
8 KILLdeer Dr
114 Young St
204 Belmont St - Manch.
261 WALAMIT ST

Phone Number:

603-518-7800
603-860-2340
603-391-1124
603-860-6054
623-9849

DAVE NIXON
JOHN PERKINS
Linda S. M
MARTIN KAE
Richard Futato
Frank D. Goss

77 CENTRAL ST
1108 Hayward St
- Cushing Rd
N ADKINS ST
245 N. Bond Dr
283 Twin Bridge R

669-7070
502-1468
232-2421
486-1071
625-5366
620-9422

Karl A. Tiedemann
R. Stodasie
Philip Thigley
John Z...

81 RILEY AV.
417 - Blueville Ave
370 Laxson Ave Man. 03103
114 Grove St. Manch.

603-623-5613
606-1888
669-3082
627-7227

Freeman,Heather

From: Normand, Matthew
Sent: Monday, November 26, 2012 10:19 AM
To: Freeman,Heather
Subject: FW: Vicious Dog Proposals
Attachments: DOGS_BERLIN.pdf; DOGS_CONCORD.pdf; DOGS_KEENE.pdf; DOGS_LEBANON.pdf; DOGS_NASHUA.pdf; DOGS_NH RSA.pdf; DOGS_PORTSMOUTH.pdf; Vicious Dog Proposal.doc

From: Normand, Matthew
Sent: Monday, November 26, 2012 10:17 AM
To: Gamache,Normand; Katsiantonis, Thomas; Roy, James; Osborne,Ed
Cc: Long,Patrick
Subject: FW: Vicious Dog Proposals

Alderman Long has requested that the attached ordinances related to vicious dogs be forwarded to the Committee on Public Safety.

Matthew Normand
City Clerk
Office of the City Clerk
One City Hall Plaza
Manchester, NH 03101
T:(603) 624-6455 F:(603) 624-6481
www.manchesternh.gov/cityclerk

From: Patrick Long [mailto:long55@comcast.net]
Sent: Monday, November 26, 2012 9:03 AM
To: Normand, Matthew
Subject: Vicious Dog Proposals

Matt,

Can this be sent to the Committee on Public Safety members.

Thank you,
Pat Long

Vicious Dog 466:31a III (?)

Definition: Any dog whose behavior has resulted in the conviction, of its owner/keeper, in a court of law of violating RSA 466:31 IIg (Vicious Dog) Exemptions are as follows: Dogs acting in self defense, or of its litter, defense of its owners /family or property. Guard dogs actively employed on commercial property under the provisions of RSA 466:46-51.

Penalties: Upon conviction of a vicious offense, in addition to the above listed civil forfeitures, the owner shall:

(466:31a III [*rename current 466:31a III to 466:31a IV*]

- 1) Cause the dog to be spayed/neutered, with documentation provided within 30 days, if it has not been previously completed, unless a licensed veterinarian certifies in writing that the dog is unfit for altering due to a medical condition.
- 2) Cause the dog to be permanently identified, with documentation provided within 30 days, by microchip or tattooing if not already completed.
- 3) Cause the dog to be enrolled, with documentation provided within 30 days, in behavior training from a certified trainer.
- 4) While in public, cause the dog to, at all times, be muzzled and physically restrained by no person less than 18 years of age.
- 5) While on private property cause the dog to, at all times, be physically restrained by fencing of sufficient height and design to prevent the dog from jumping or climbing over, digging under or otherwise escaping confinement, or on a leash controlled by no person less than 18 years of age.
- 6) Be prohibited from entering any "off leash" dog park with the offending dog.
- 7) Notify in writing, the Animal Control Officer, of any of the following:
 - A: The dogs' death.
 - B: Any transfer of ownership within or without the current jurisdiction.
 - C: Any change of address within or without the current jurisdiction.

The Animal Control Officer or other officer will notify his/her counter-part if necessary in the event of a change of address to a different jurisdiction.

Any person who violates any portion of this subsection shall be guilty of a violation.

466:31-a Penalties. –

III. Any person who pays a civil forfeiture specified in paragraph II 2 times in any 12-month period according to the records of the town or city clerk, may not pay a civil forfeiture for subsequent violations of RSA 466:31 in that 12-month period, but shall have those cases disposed of in district or municipal court. **In the case of a vicious dog, as described by RSA 466:31, II(g), where its behavior presents a threat to public safety, immediate district court or municipal court proceedings may be initiated in lieu of the civil forfeiture.**

Art. I. In General, §§ 3-1--3-20

Art. II. Dogs, §§ 3-21--3-60

Div. 1. Generally, §§ 3-21--3-40

Div. 2. License, §§ 3-41--3-55

Div. 3. Rabies Control, §§ 3-56--3-60

* **Cross References:** Administration, Ch. 2; buildings and building regulations, Ch. 4; health, Ch. 7; keeping livestock and fowl permit required, § 7-21; housing, Ch. 8; mobile homes and manufactured housing and mobile home parks, Ch. 10; solid waste, Ch. 12; streets, sidewalks and other public places, Ch. 13; dogs in public parks, school yards and playgrounds restricted, § 13-1; zoning and land use, Ch. 17.

State Law References: Animals, RSA 466:1 et seq.

ARTICLE I.

IN GENERAL

Sec. 3-1. Animal cruelty.

The police department and the health officer shall be charged with the enforcement of all state laws concerning cruelty and treatment of animals. Any person who shall confine an animal in an unsafe or inhumane manner, inflict injury upon an animal without justification or excuse, abuse, mistreat or neglect to care for a dog shall be found to be in violation of this chapter as per RSA 466:8. The appropriate authority shall enforce protective custody of any animal where probable cause is apparent. All dogs released shall be properly licensed and vaccinated at the expense of the redeemer.
(Ord. of 3-5-90(2))

State Law References: Cruelty to animals, RSA 466:8.

Sec. 3-2. Searches.

The health officer and the police department shall be empowered to conduct routine investigational searches in connection with any reasonable suspicion of incidents of rabies or other such diseases found to pose a threat to public health. They shall likewise jointly be empowered to make searches in connection with the investigation of any probable violations of this chapter and to issue summons.
(Ord. of 3-5-90(2))

Sec. 3-3 Feeding of Wildlife on public property

The purpose of this section is to protect and preserve the purity and sanitation of the parks; to protect public property from defacement; and to protect the public from the creation of health hazards.

No person shall purposely dispense any type of food, substance or seed with the intent of causing any species of wildlife to feed upon the grounds owned by the City of Berlin.
(Ord. of 07/07/03)

Secs. 3-4 Warning required before prosecution

Prior to issuing a citation for a violation of section 3-3. Feeding of wildlife on public property, a police officer or any law enforcement or code enforcement officer shall issue one verbal or written warning to an individual and if the individual ceases the

activity, then no citation shall be issued. Once an individual has been given one warning, the requirement in this subparagraph has been met and no subsequent warnings are required.
(Ord. of 07/07/03)

Secs. 3-4--3-20. Reserved.

ARTICLE II.

DOGS*

* **State Law References:** Dogs, RSA 466:1 et seq.

DIVISION 1.

GENERALLY

Sec. 3-21. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dog shall be intended to mean any member and gender of the family canidae.

Owner shall be intended to mean any person, group, association, firm, corporation or organization maintaining, keeping, caring for, harboring or owning a dog.
(Ord. of 3-5-90(2)) (Ord. of 04/07/03)

Sec. 3-22. Running at large prohibited.

Notwithstanding any other provisions of this chapter, it shall be unlawful for any dog to run at large, except when accompanied by the owner, and when used for hunting, herding, supervised competition and exhibition or training for such activities. For the purpose of this section, "accompanied" means that the owner must be able to see or hear, or both, or have reasonable knowledge of where the dog is hunting, herding or where the training is being conducted or where the trials are being held. Nothing herein provided shall mean that the dog must be within sight at all times.

In this section, "at large" means off the premises of the owner and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, unless accompanied by the owner.

Any authorized person may seize, impound or restrain any dog in violation of this section and deliver said dog to a person or shelter authorized to board dogs. Such dogs shall be handled as strays or abandoned dogs.

In addition to impounding a dog found at large or in violation of this section, any local law enforcement officer may issue, in the name of the owner of such dog, a notice to abate for a first offense. The owner may be issued a violation for each additional violation.

(Ord. No. 12, § 12:105, 6-10-78; Ord. of 3-5-90(2)), (Ord. of 04/07/03)

State Law References: Muzzling and restraining of dogs, RSA 466:29 et seq.

Sec. 3-23. Dogs, A Menace, Nuisance or Vicious

1. Under this section a dog is considered to be a nuisance, a menace, or vicious to persons or to property under any or all but not limited to the following conditions:

- a. If an owner permits any dog under any circumstances, within or without the owner's control to defecate or defile, or trespass/trespass on private or public property, damage or destroy any property or thing of value;
- b. If it barks for sustained periods so as to disturb the peace and quiet of a neighborhood or area;
- c. If it digs, scratches, excretes, or causes waste or garbage to be scattered on any property, public or private, other than its owners;

- d. If any female in season (heat) is permitted to run at large or be off the premises of the owner during this period except when being exercised on a leash by a responsible adult. At all other times such dog shall be confined within a building or enclosure in such manner that she will not come in contact (except for intentional breeding purposes) with a male dog. A female dog in heat shall not be used for hunting;
- e. If it growls, snaps at, runs after or chases any person or persons;
- f. If it runs after, or chases bicycles, motor vehicles, motorcycles, or any other vehicles being driven, pulled or pushed on the streets, highway, or public ways;
- g. If, whether alone or in a pack with other dogs, it bites, attacks or preys on game animals, domestic animals, fowl or human beings.
- h. A tethered dog cannot be any closer than two (2) feet from any public sidewalk or street when the dog is on private property.

2. Any person who fails, by appropriate action including but not limited to restraining an animal from running at large, or otherwise effectively fails to abate any nuisance found such under the provisions of this section, or who fails to comply with any other provisions of this section after being so ordered, shall have the person's dog taken away into custody by the police of the city and such disposition made of the dog as the court may order.

If a law enforcement officer does not witness the nuisance behavior, the name of the complainant(s) shall be released as public information before any fine under Section 3-27 shall be levied.
(Ord. of 3-5-90(2)) (Ord. of 04/07/03) (Ord of 07/18/2005)

Sec. 3-24. Reserved

(Ord. of 3-5-90(2)) Deleted – (Ord. 04/07/03)

Sec. 3-25. Impoundment.

Any dog found at large within the city may be restrained and impounded by the police department. A dog so impounded may be confined in a suitable animal shelter for a reasonable period of time. An impounded dog not claimed by the owner within seven (7) days after being notified by certified letter, if the owner is known, may be humanely disposed of by the city. If an owner is not known, the seven-day period shall apply before disposal.
(Ord. No. 12, § 12:106, 6-10-78; Ord. of 3-5-90(2))

State Law References: Impoundment, RSA 466:30-b(III).

Sec. 3-26. Notice to owner and redemption.

No later than two (2) days after the impounding of any dog, the owner, if known, shall be notified. The owner shall be entitled to redeem the dog upon payment of a redemption fee of ten dollars (\$10.00) for every day of impoundment together with all other costs associated with impoundment, transportation, care and treatment of the dog. An impounded dog not claimed by the owner within seven (7) days whether the owner is known or not, may be humanely disposed of by the city or released to the New Hampshire Society for the Prevention of Cruelty to Animals or given to a new owner, provided that any such person shall pay the redemption fee, together with all other costs associated with the care and treatment of the dog. All dogs before release shall be duly licensed and vaccinated at the expense of the redeemer. (Ord. No. 12, § 12:106, 6-10-78; Ord. of 3-5-90(2))

State Law References: Disposition of unclaimed animals, RSA 437:18 et seq.

Sec. 3-27. Penalties.

Any person who violates any provision of Sections 3-22 and 3-23 shall be guilty of a violation. Fines shall be assessed as follows:

\$25 for the first offense under Section 3-22 and 3-23 (a) (b) (c) (d); a second offense fine shall be \$50; third and subsequent offenses shall be governed by RSA 651:2, IV(a).

\$50 for the first menace offense under Section 3-23 (e) (f); a second menace offense fine shall be \$100; third and subsequent offenses shall be governed by RSA 651:2, IV(a).

\$100 for the first vicious offense under Section 3-23 (g); a second vicious offense fine shall be a minimum of \$200, the maximum fine shall be governed by RSA 651:2, IV(a).

In the case of a vicious dog as described by Section 3-23 (g) where behavior presents a threat to public safety, immediate district court proceedings may be initiated to have said dog humanely disposed of by its owner or by the City at the owner's expense.
(Ord. of 3-5-90(2)) (Ord. of 04/07/03)

State Law References: Penalty, RSA 466:31a.

Secs. 3-28--3-40. Reserved.

DIVISION 2.

LICENSE*

* **State Law References:** Licensing of dogs, RSA 466:1 et seq.

Sec. 3-41. License Required.

Every owner or keeper of a dog 4 months old or over shall annually, cause it to be registered, numbered, described, and licensed for one year in the office of the city clerk in which the dog is kept, and shall cause it to wear around its neck a collar to which shall be attached a metal tag with the following information thereon: The name of the city, year of issue of license and its registered number.

Upon payment of the license fee, the tag and license shall be furnished to the owner or keeper of the dog.

Proof of vaccination against rabies shall be required at the time of registration.

Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license because of death of the dog or the owner or keeper's leaving the City before expiration of the license period.

Regardless of when the license is obtained, the license shall be effective from May 1 of each year to April 30 of the subsequent year.

(Ord. of 3-5-90(2)) (Ord. of 04/07/03)

Sec. 3-42. Forfeiture.

Whoever is the owner or keeper of a dog and who fails to license or renew the dog license pursuant to Section 3-41 shall forfeit \$25 to the city clerk of the City of Berlin. If the forfeiture is not made to the city clerk within 15 calendar days of the notice of forfeiture, the case may be disposed of in district court as a violation with a fine not to exceed \$50, notwithstanding the provisions of RSA 651:2, IV. A forfeiture shall not relieve the owner or keeper of the requirement of proper licensing of the dog as required by Section 3-41. Any forfeitures collected under this section shall be retained by the city for administrative and enforcement of this section.

(Ord. of 3-5-90(2)) (Ord. of 04/07/03)

Secs. 3-43--3-55. Reserved.

DIVISION 3.

RABIES CONTROL*

* **Cross References:** Health, Ch. 7.

State Law References: Rabies control, RSA 442-A et seq.; vaccination required, RSA 442-A:2, 466:1-a.

Sec. 3-56. Vaccination.

The owner of a dog three (3) months of age and older shall have the dog vaccinated against rabies. Young dogs shall be vaccinated within thirty (30) days after they have reached three (3) months of age. Unvaccinated dogs three (3) months of age or over acquired in or brought into the state must be vaccinated within thirty (30) days after purchase or arrival. Every dog shall be revaccinated at such intervals and with such vaccines as the state shall specify from time to time. In rabies infected areas, dogs recently vaccinated shall be kept under control for at least thirty (30) days.

(Ord. No. 12, § 12:110, 6-10-78; Ord. of 3-5-90(2))

State Law References: Rabies vaccination required, RSA 442-A:2.

Sec. 3-57. Procedure.

If a dog is reasonably believed to have rabies or any other communicable disease which the health administrator of the city determines to pose a danger to public health or if a dog or other animal is believed to have been bitten or otherwise infected by any such animal, such dog or other animal shall be safely and continuously isolated and confined either on its owner's premises or at a veterinary hospital at the owner's expense for not less than two (2) weeks, as the health administrator shall require. If any such animal is found to have rabies or other such communicable disease or if any such animal cannot be safely isolated and confined, the health administrator may order the animal destroyed.

(Ord. No. 12, § 12:109, 6-10-78; Ord. of 3-5-90(2); Ord. of 5-6-96(1))

Sec. 3-58. Impoundment due to rabies.

(a) Upon reasonable suspicion, the health administrator may impound any dog or animal suspected of rabies or other disease. Animals not found to have been infected shall be returned to their owner upon payment of any costs for treatment and care of the animal.

(b) Any dog or other animal which is at large, and which is noticeably infected with rabies or other such communicable disease, if it cannot be safely confined and isolated, may be destroyed by the health administrator or by any police officer, without notice or delay.

(Ord. of 3-5-90(2); Ord. of 5-6-96(1))

State Law References: Impoundment, RSA 442-A:6.

Sec. 3-59. Epidemic.

Whenever the city manager determines that there is a high risk of rabies infections or other disease posing a threat to public health, he may order every person owning or keeping a dog or other animal to confine it to its premises and muzzle or isolate the animal in such a fashion as to prevent it from biting or otherwise injuring any person or other animal. Any dogs or other animals not confined and restrained shall be impounded for a duration of the emergency or until such time as its owner shall provide for its confinement. The owner shall pay the required redemption fees together with all other costs for the treatment and care of the animal. Any animal not redeemed within five (5) days of its impoundment under this provision may be humanely disposed of by the city or released to the New Hampshire Society for the Prevention of Cruelty to Animals or given to a new owner provided that any such person shall pay the redemption fee and other costs for the treatment and care of the animal.

(Ord. of 3-5-90(2); Ord. of 5-6-96(1))

Sec. 3-60. Violation.

(a) It shall be unlawful for any person to keep any animal known to have rabies, to fail to report to the police or health administrator any animal known or reasonably suspect of having rabies or to transport any such animal, live or dead within or beyond the city without the approval of the health administrator or in case of emergencies, the police department.

Failure to comply with any of the provisions of this section or to cooperate with the police or health administrator in the investigation of any suspected incidence of rabies shall be a violation of this chapter.

Penalty shall be governed by RSA 651:2, IV(a)

(Ord. of 3-5-90(2); Ord. of 5-6-96(1)) (Ord 4-7-03)

Concord, NH

Concord, New Hampshire, Code of Ordinances >> TITLE I - GENERAL CODE >> CHAPTER 12 - DOGS >> ARTICLE 12-1 - CONTROL OF DOGS >>

ARTICLE 12-1 - CONTROL OF DOGS

12-1-1 - Removal of Dog Defecation From Public Property.

12-1-2 - Removal of Dog Defecation From Private Property.

12-1-1 - Removal of Dog Defecation From Public Property.

An owner or person having custody of any dog shall not permit said dog to defecate on any public property including public streets, alleys, sidewalks, parks, or any other public grounds within the City unless said defecation is removed immediately.


(Ord. No. 1880, § 1, 10-1-90)


12-1-2 - Removal of Dog Defecation From Private Property.

An owner or person having custody of any dog shall not permit said dog to defecate on any private property other than the premises of the owner or person having custody of said dog.

(Ord. No. 1880, § 1, 10-1-90)

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Concord, New Hampshire - Code of Ordinances

CODE OF ORDINANCES CITY OF CONCORD

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- CHAPTER 2 - FINANCE
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TITLE IV - ZONING CODE


- CHAPTER 28 - ZONING ORDINANCES
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APPENDIX

- Appendix 1 - RESOLUTION AUTHORITY
- Appendix 2 - ADOPTION OF THE

Concord, New Hampshire, Code of Ordinances >> TITLE I - GENERAL CODE >> CHAPTER 12 - DOGS >>
CHAPTER 12 - DOGS 
ARTICLE 12-1 - CONTROL OF DOGS

FOOTNOTE(S):

(25) *Editor's note*—Section 1 of Ord. No. 1862, adopted March 12, 1990, repealed in its entirety Ch. 12, which consisted of §§ 12-1-1—12-1-10 pertaining to dogs. Former Ch. 12 derived from Ord. of May 8, 1978, and Ord. No. 1766, § 1, adopted April 11, 1988. Section 1 of Ord. No. 1880, adopted Oct. 1, 1990, enacted provisions pertaining to dogs. Such provisions have been codified as §§ 12-1-1 and 12-1-2 ([Back](#))

(25) *State Law reference*—Dog control, RSA Chapter 466; seeing-eye dogs, RSA 167:42-A. ([Back](#))

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8/14/2012 13.10

Keene, NH

Keene, New Hampshire, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 10 - ANIMALS >> ARTICLE II. - DOGS >>

ARTICLE II. - DOGS ^[32]

Sec. 10-26. - Definitions.

Sec. 10-27. - Authority.

Sec. 10-28. - License and fees.

Sec. 10-29. - Late fees.

Sec. 10-30. - Forfeiture for unlicensed dogs.

Sec. 10-31. - Dogs, restricted areas, and running at large.

Sec. 10-32. - Forfeiture for running at large.

Sec. 10-33. - Impoundment.

Sec. 10-34. - Impoundment fees.

Sec. 10-35. - Nuisance, menace or vicious dogs.

Sec. 10-36. - Forfeitures for nuisance, menace or vicious dogs.

Sec. 10-37. - Removal of feces.

Sec. 10-38. - Exceptions.

Sec. 10-39. - Interference with animal control officer.

Sec. 10-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

At large means off the premises or property of the owner and not under the control of a responsible person, or not on a leash not more than eight feet long and not under the control of a responsible person and not confined within a vehicle.

Dog means any canine animal, male or female, sexed or neutered.

Notice of forfeiture means a citation that may be issued by the animal control officer in lieu of a court summons and made payable to the city clerk within 96 hours of its issuance.

Own means to keep, harbor, or have control, charge or custody of a dog, unless otherwise specified.

Owner means any person keeping, harboring or having charge or control of or permitting any dog to habitually be on or remain on or be lodged or fed within such person's house, yard or premises. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises dogs owned by others.

(Code 1970, § 1701.0)

Cross reference— Definitions generally, § 1-2.

Sec. 10-27. - Authority.

The animal control officer or any police officer shall have the authority to enforce the observance of this Code relating to animal control. The city council shall empower the duties of the animal control officer to serve notice of forfeiture (citation) relating to animal control, and it shall also empower the animal control officer to investigate all reports of violations involving animals in this article and of RSA 466:1 et seq.

(Code 1970, § 1702.0)

Sec. 10-28. - License and fees.

The owner of a dog owned, kept, harbored or maintained in the city shall license and register the dog as specified under RSA 466:1. The license fees set forth in RSA 466:4 are increased as set forth in the schedule of fees in appendix B to this Code, as permitted by RSA 466:39.

(Code 1970, § 1703.0)

Sec. 10-29. - Late fees.

In addition to the license fees provided in section 10-28 pertaining to license and fees, there shall be a charge as set forth in the schedule of fees in appendix B to this Code for each month or any part thereof that the fees remain unpaid if the fees are not paid before June 1 in each year.

(Code 1970, § 1704.0)

Sec. 10-30. - Forfeiture for unlicensed dogs.

Whoever is the owner of a dog contrary to section 10-28 pertaining to license and fees shall forfeit \$25.00 to the city. If the forfeiture is not made to the city clerk within 96 hours of the notice of forfeiture, the case will be disposed of in the district court. This forfeiture shall not preclude proper licensing of the dog as required by this article.

(Code 1970, § 1705.0)

State law reference— Penalty, RSA 466:39.

Sec. 10-31. - Dogs, restricted areas, and running at large.

- (a) *Generally.* No dog shall run at large at any time within the city. This section shall not apply to dogs in use with their owners during lawful hunting.
- (b) *School grounds.* No dogs shall be, at any time, in a school or on school grounds unless leashed.
- (c) *Cemetery areas.* No dog shall be on land owned and/or used by the city or any of its departments for cemetery purposes unless authorized by the parks, recreation and facilities director.
- (d) *Commercial areas.* Unless on a leash not over eight feet long, no dog shall be in the commercial areas of the city. The commercial areas are defined and described as, Central Square, Main Street from Central Square to Marlboro Street, West Street from Main Street to Route 12, Court Street from Central Square to Mechanic Street, Washington Street from Central Square to Mechanic Street, Roxbury Street from Main Street to Roxbury Court, Church Street from Main Street to Wells Street, Railroad Street, Dunbar Street, Emerald Street, Gilbo Avenue, Key Road and all city-owned parking lots. The prohibition for streets

shall be for the entire right-of-way, including the paved area, shoulder or gutter, grass plot and sidewalk, whether paved or not.

- (e) *Pumpkin Festival.* Except for service dogs as defined in RSA 167-D:1, no dog shall be on any publicly owned property or city street in any of the following areas during the period of time established by the Keene City Council for the observance of the Pumpkin Festival held on either the third or fourth Saturday in October: Central Square, Main Street from Central Square to Water Street, West Street from Main Street to St. James Street, Washington Street from Central Square to the entrance of the City Hall parking facility, Roxbury Street a distance of 375 feet from Main Street, Church Street from Main Street to Wells Street, Railroad Street to Wells Street, Dunbar Street a distance of 190 feet from Main Street, Emerald Street from Main Street to Wilson Street, Eagle Court, Cypress Street, Lamson Street, Commercial Street, Commercial Street Parking Lot, St. James Street, Federal Street, Wells Street, Gilbo Avenue east parking lot, City Hall parking facility and Wilson Street from Emerald Street to Keene Skate Park.
- (f) *Food service establishments.* Except for service dogs as defined in RSA 167-D:1, no person shall bring any dog into any food service establishment, and no person shall allow any dog to enter or remain in any food service establishment, or in any store that sells food.
- (g) *Penalty.* Any person who violates any provision of this section shall pay a fine in the amount of \$25.00.

(Code 1970, § 1706.0; Ord. No. O-2004-15-A, 10-7-2004)

State law reference— Dogs at large, RSA 466:33; service animal exception, RSA 466:44.

Sec. 10-32. - Forfeiture for running at large.

Whoever owns a dog that is found to be at large shall forfeit \$25.00 to the city. If the forfeiture is not made to the city clerk within 96 hours of the notice of forfeiture, the case will be disposed of in the district court. Any person who pays a civil forfeiture, as specified in this section, two times within a 12-month period, according to the records of the city clerk, may not pay the civil forfeiture for subsequent violations of this section in that 12-month period, but shall have those cases disposed of in district court.

(Code 1970, § 1707.0)

Sec. 10-33. - Impoundment.

Any dog found at large or unrestrained within the city may be restrained and impounded by the animal control officer or any police officer. A dog so impounded may be confined in a suitable animal shelter for not more than seven days. Any impounded dog not claimed by the owner within seven days may be humanely disposed of by the police department. If the impounded dog is licensed by the city, the animal control officer shall make a reasonable attempt to notify the owner of the impounded dog prior to it being humanely disposed of. The police chief shall select a suitable animal shelter for a place of confinement for animals held under the suspicion of rabies after biting or dogs impounded under this section.

(Code 1970, § 1708.0)

Sec. 10-34. - Impoundment fees.

Any owner or individual claiming a dog impounded by the police department shall pay to the city a pickup fee and boarding fees as set forth in the schedule of fees in appendix B to this Code.

These fees are payable to the city clerk, and the fees do not preclude any other fees, fines or forfeitures associated with the impounding or boarding. The boarding fee shall not be charged if the dog is boarded at the Monadnock Humane Society.

(Code 1970, § 1709.0)

Sec. 10-35. - Nuisance, menace or vicious dogs.

- (a) *Prohibited.* No dog shall be permitted, whether or not leashed or restrained, to be a nuisance, a menace, or vicious to persons, property or other animals.
- (b) *Nuisance dogs.* A dog is adjudged to be a nuisance if it:
 - (1) Barks for sustained periods of more than one-half hour or during the night hours so as to disturb the peace and quiet of a neighborhood or area.
 - (2) Digs, scratches or excretes or causes waste or garbage to be scattered on property other than the owner's.
 - (3) Is off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, unless accompanied by the owner or custodian. This subsection shall not include a dog which is being used for hunting, herding, supervised competition, or exhibition or training for such activities if accompanied by the owner or custodian, meaning that the owner or custodian must be able to see or hear the dog or have reasonable knowledge of where the dog is hunting or herding or where training is being conducted or where trials are being held, provided that such dog does not have to be within sight at all times.
- (c) *Menace dogs.* A dog is adjudged to be a menace if it:
 - (1) Growls, snaps at, runs after or chases any person.
 - (2) Runs after or chases bicycles, motor vehicles, motorcycles, or other vehicles being driven, pulled or pushed on the public ways of the city.
- (d) *Vicious dogs.* A dog is adjudged to be vicious if it, whether alone or in a pack with other dogs, bites, attacks, or preys on game animals, domestic animals, fowl or human beings.

(Code 1970, § 1710.0)

Cross reference— Nuisances, § 38-56.

Sec. 10-36. - Forfeitures for nuisance, menace or vicious dogs.

- (a) Whoever owns a dog that violates section 10-35 and whose dog is adjudged to be either a nuisance, a menace or vicious shall forfeit the following to the city clerk:
 - (1) Nuisance dog:
 - a. For the first offense\$25.00
 - b. For the second nuisance offense committed within 12 months of the first offense50.00
 - (2) Menace dog:
 - a. For the first offense50.00
 - b. For the second menace offense committed within 12 months of the first offense100.00
 - (3) Vicious dog:
 - a. For the first offense100.00
 - b.

For the second vicious offense committed within 12 months of the first offense200.00

- (b) These forfeitures shall be made within 96 hours from the time of notice to the city clerk. Any person making this forfeiture shall have deemed to have waived the right to have the case heard in the district court, and he shall not be prosecuted or found guilty of a violation of RSA 466:31. Any person who does not pay the civil forfeiture shall have the case disposed of in district court. Any person who pays a civil forfeiture, as specified in this section, two times within a year, according to the records of the city clerk, may not pay the civil forfeiture for subsequent violations of this section in that year, but shall have these cases disposed of in district court. For a vicious dog, where its behavior represents such a threat to public safety, immediate district court proceedings may be initiated in lieu of the civil forfeiture.

(Code 1970, § 1711.0)

Sec. 10-37. - Removal of feces.

- (a) *Definition.* For the purpose of this section, the reference to a mechanical or other device shall include, without limitation, a pooper scooper, a trowel, a shovel, a plastic bag or other appropriate container.
- (b) *Removal from public property.* Any owner or person having custody of any dog shall not permit the dog on any public grounds, including public streets, alleys, sidewalks, parks, or any other public grounds within the city, unless the owner or person in control has in his possession a mechanical or other device for the removal of excrement, nor shall such owner or person in control fail to expeditiously remove any such excrement deposited by the dog in any such place.
- (c) *Removal from private property.* Any owner or person having custody of any dog shall not permit the dog on any private property other than the premises of the owner or person having custody of the dog unless such owner or person in control has in his possession a mechanical or other device for the removal of excrement, nor shall such owner or person in control fail to expeditiously remove any such excrement deposited by such dog in any such place.
- (d) *Forfeiture.* Any person found in violation of this section shall forfeit \$25.00 to the city. If such forfeiture is not made to the city clerk within 96 hours of the notice of forfeiture, the case will be disposed of in the district court. Any person who pays a civil forfeiture, as specified in this section, two times within a 12-month period, according to the records of the city clerk, may not pay the civil forfeiture for subsequent violations of this section in that 12-month period, but shall have these cases disposed of in district court.

(Code 1970, § 1712.0)

Sec. 10-38. - Exceptions.

This article shall not apply to hearing and sight-impaired guide dogs, owned or employed by or on the behalf of law enforcement.

(Code 1970, § 1713.0)

Sec. 10-39. - Interference with animal control officer.

No person shall hinder or interfere with the animal control officer or such persons as may be appointed as agents in the performance of any duty within this article. Any person in violation of this

section shall be prosecuted under RSA 642:1 pertaining to obstructing governmental administration.

(Code 1970, § 1714.0)

FOOTNOTE(S):

⁽³²⁾ ~~State Law reference—~~ Dogs, RSA 466:1 et seq. (Back)

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[HISTORY: Adopted by the City Council of the City of Lebanon 12-7-1976 by Ord. No. 14-A. Amendments noted where applicable.]

Article I. Dogs and Other Animals**§ 18-1. Definitions.**

As used herein, unless the context indicates otherwise, the following terms mean:

ANIMAL SHELTER

Any premises designated by the City Manager for the purposes of impounding and caring for animals held under the authority of this article.

ANIMAL SHELTER OFFICER

Any person appointed by the City Manager for the purposes of caring for animals impounded under authority of this article.

HUMANE OFFICER

Any law enforcement officer or other person appointed as a Humane Officer by the City Manager and who qualifies to perform the prescribed duties under this article and the laws of the State of New Hampshire.

OWNER

Any person, partnership or corporation, owning, keeping or harboring animals.

VICIOUS DOG

A dog is considered to be vicious to persons or to property under the following conditions:[Added 12-9-1992]

A. If it snaps at, runs after or chases any person or persons.

[Amended 7-21-1999]

B. If it runs after or chases bicycles, motor vehicles, motorcycles or other vehicles being driven, pulled or pushed on the streets, highways or public ways.

C. If whether alone or in a pack with other dogs, it bites, attacks or preys on game animals, domestic animals, fowl or human beings. (Source: RSA 466:31, II)

§ 18-2. Intent.

It is the intent of this article to regulate against the problem animal, that is, to control the animal, who because of lack of supervision has become a nuisance to the community.

§ 18-3. Restraint.

A. All dogs within the City of Lebanon shall be restrained from running at large. A dog shall be deemed to be restrained from running at large when it is kept upon the property of its owner and keeper, or is kept within an enclosure on the property of its owner or keeper, or is kept on a leash. A dog is not restrained if, when tied, it is able to reach another's property or any public domain. Hunting dogs in training and/or pursuing legal game shall not come under the provisions of this article.

[Amended 7-21-1999]

B. Nothing contained in this section shall prevent the City of Lebanon or its designated Animal Shelter Officer from bringing any other type of action against the owner or keeper of a dog, as set out in this article.

§ 18-4. Impounding.

Any dog found unrestrained contrary to the provisions of this article may be taken by the police or Humane Officer and impounded in the City animal shelter and there confined in a humane manner. The Animal Shelter Officer, upon receiving any dog, shall make a complete registry, which includes the breed, color and sex of such dog and whether licensed. If licensed, he/she shall enter the name and address of the owner and the number of the license tag. Licensed dogs shall be separated from unlicensed dogs.

§ 18-5. Notice to owner.

[Amended 7-21-1999]Not later than 24 hours after the impounding of any dog, the Humane Officer shall serve a written notice on the owner of the dog stating that the dog has been seized and impounded, a description of the reason for the impoundment and that the dog will be liable to be disposed of or destroyed if not claimed within 10 days of service of such notice. Such notice shall be delivered in hand or left at the last known place of abode of said owner as determined by the registration tag or other available information.

§ 18-6. Redemption.

The owner shall reclaim such dog within 10 days of receiving notice as provided above or shall authorize in writing disposition of such dog as provided herein. An owner complying with this section shall pay the City the fee specified in § 18-7, if a notice of violation is also issued to the owner or keeper of the dog, the costs as set periodically by the City Council, incurred in impounding, maintaining and, if applicable, disposing of said dog and

the license fee, if unpaid, for said dog. An owner failing to comply with this section shall be liable for penalties under § 18-18.

§ 18-7. Notice of violation.

- A. In addition to or in lieu of impounding a dog, the Humane Officer or any police officer shall issue in the name of the owner or keeper of such dog a notice of violation. Such notice shall impose on the owner or keeper of such dog a fee of \$10, which must be paid to the City of Lebanon within 48 hours of date and time notice is given, in full satisfaction of the assessed fee.
- B. In the event such fee is not paid to the City within the time limitations specified, a summons or warrant of arrest may be served for appearance in District Court, and upon conviction of a violation of this article, the owner or keeper may be punished as prescribed under § 18-18.

[Amended 7-21-1999; 9-20-2000 by Ord. No. 70]

§ 18-8. Disposition of dogs.

- A. It shall be the duty of the Animal Shelter Officer to keep all impounded dogs for a period of 10 days after delivery of notice provided herein, except that when any dog that is diagnosed by a veterinarian as suffering from rabies, mange or other infection or dangerous disease, the veterinarian shall authorize the Animal Shelter Officer to destroy the affected dog forthwith.
- B. If any owner shall not have claimed such impounded dog and paid the applicable license fee and costs and charges within 10 days after delivery of the notice, the Animal Shelter Officer may destroy the dog in the least painful and most humane manner practicable, as approved by the City Manager.

§ 18-9. Unclaimed dogs.

In lieu of destroying an unclaimed dog, the Animal Shelter Officer may place the dog in a new home. The Animal Shelter Officer may keep a dog in the shelter while a new home is sought for the dog, if in the opinion of the Animal Shelter Officer, the dog is valuable or amenable to new ownership. The Animal Shelter Officer shall maintain a listing of such dogs, prospective owners and other persons desiring to place dogs in new homes.

§ 18-10. Ownership of unclaimed dog by City.

The ownership of any dog which remains unclaimed under the provisions of this article shall pass to the City 10 days after delivery or posting of the notice to the owner, in accordance with the provisions of this article.

§ 18-11. Agent for City.

Any person employed or contracted with by the City and appointed as Animal Shelter Officer or any owner of any animal hospital or shelter whose services are utilized in carrying out the provisions of this article is an agent of the City for the purposes of this article and his/her actions thereunder are deemed to be for governmental purposes.

§ 18-12. Removal of dog defecation from public and private properties.

[Amended 12-9-1992; 7-21-1999; 5-18-2011]

- A. An owner or person having custody of any dog or other animal shall not permit said dog or other animal to defecate on any school ground, cemetery, public sidewalk, public parking lot, pedestrian walkway, the downtown Lebanon (Hanover Street) Mall, Colburn Park or any private property within the City, other than premises of the owner or person having custody of said dog or other animal, unless said defecation is removed immediately and properly disposed of in a container for trash or litter or similar manner. Further, no defecation or manure shall be dumped or left on any school ground, cemetery, public sidewalk, public parking lot, pedestrian walkway, the downtown Lebanon (Hanover Street) Mall, Colburn Park or any private property within the City, nor on any other open area or lot in any portion of the City.

- B.** Any person having control over a dog or any other animal, whether or not the owner, who allows the dog or other animal off his or her premises (that is, premises occupied by that person) and has knowledge that such dog or other animal is defecating on any school ground, cemetery, public sidewalk, public parking lot, pedestrian walkway, the downtown Lebanon (Hanover Street) Mall, Colburn Park or any private property within the City, or on any other open area or lot in any portion of the City, and does not remove and properly dispose of the defecation shall be in violation of this article.

§ 18-13. Licensing.

All dogs kept, harbored or maintained in the City of Lebanon shall be licensed in accordance with the applicable provisions of state law. (See RSA, Chapter 466.)

§ 18-14. Abandonment.

Any owner of a dog, cat or other domestic animal who intentionally abandons such animal or fails to dispose of its remains in a sanitary manner shall be guilty of a violation of this article.

§ 18-15. Injury by vehicle.

It shall be unlawful for any person who, while operating a motor vehicle on any public way in the City, strikes and injures or kills any dog, cat or other domestic animal, to continue on without stopping such vehicle at the scene and informing the animal's owner or the police of the injury.

§ 18-16. Nuisance by animals.

[Amended 7-21-1999] It shall be unlawful for any owner to fail to exercise proper care and control of his/her animal to prevent it from becoming a public nuisance. Excessive, continuous and untimely barking, harassing pedestrians, chasing vehicles, attacking other domestic animals, trespassing upon school grounds or trespassing upon private property in such manner as to damage property shall be deemed a nuisance. A dog is not restrained if it is able to reach another's property or any public domain.

§ 18-17. Private complaints.

Nothing herein provided shall prevent citizens from making private complaints concerning possible violations of this article so long as the complaint is in written form, signed by two or more eyewitnesses who express an intention to testify in court.

§ 18-18. Penalties for offenses.

Violation of any provision of this article shall be punishable as provided in Chapter 1, General Provisions.

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CHAPTER 93. ANIMALS

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Chapter 93. ANIMALS

[HISTORY: Adopted by the Board of Aldermen of the City of Nashua as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Noise — See Ch. [201](#).

Article I. Rules for Keeping Animals

[NRO 1975, T. 7, §§ 1101 to 1113 (Secs. 5-1 to 5-30 of the 1987 Code)]

§ 93-1. Definitions.

[Amended 8-11-1998 by Ord. No. O-98-42; amended 8-12-2003 by Ord. No. O-03-91]As used in this article, unless the context otherwise indicates, the following words shall have the meaning given in this section:

CAT

Any feline animal, male or female, sexed or neutered.

DOG

Any canine animal, male or female, sexed or neutered.

FERRET

Any European domestic ferret (*Mustela furo*), male or female, sexed or neutered.

OWNER

Any person owning, keeping or harboring any animal.

§ 93-2. Animals at large forbidden; penalty; impoundment.

[Amended 3-12-1985 by Ord. No. O-84-79]

- A. No sheep, swine, horses, mules, asses, oxen, cows or other cattle shall be permitted to go at large in any street, highway, lane, alley, common, square or other public place within the City.
- B. Any person permitting a violation of this section shall be punished as provided in section 1-9.
- C. Any person finding any such creature going at large may either impound and detain the same until penalty and cost of impounding shall be paid, or may make complaint against the person permitting such creature to go at large, and the penalty shall be imposed by the court having jurisdiction.

§ 93-3. Keeping and housing animals.

It shall be unlawful for any person, whether as owner, bailee, keeper or custodian, to keep and house any animal in any structure built or located within 45 feet of any building occupied by human beings in the City except upon special permission from the health officer of the board of health of the City. The location, construction, erection and sanitary condition of all such structures shall be made satisfactory to the health officer. Plans approved by the board of health shall be filed with the board before any such building shall hereafter be constructed, altered, extended or moved.

§ 93-4. Dog licensing and registration.

[Amended 12-26-1995 by Ord. No. O-95-148; 8-11-1998 by Ord. No. O-09-42] All dogs kept, harbored or maintained by their owners in the City shall be licensed as provided in RSA 466. The license fee shall be that amount specified in RSA 466:4, plus \$1, as allowed by RSA 466:39.

§ 93-5. Dogs running at large.

[Amended 7-18-1977 by Ord. No. O-77-193; 8-11-1998 by Ord. No. O-98-42; 7-10-2007 by Ord. No. O-07-114] It shall be unlawful for any dog to run at large. The term "at large" means off the premises of the owner or keeper, and not under leash or other physical restraint of the owner or a responsible person, or not within the confines of the fenced area of an off-leash dog park approved by the City of Nashua and animal control officer.

§ 93-6. Impoundment of dogs, cats and ferrets found at large.

[Amended 7-18-1977 by Ord. No. O-77-193; amended 11-26-1977 by Ord. No. O-77-273A; 5-1-1978 by Ord. No. O-78-41; 7-12-1978 by Ord. No. O-78-60; 8-11-1998 by Ord. No. O-98-42]

- A. The Dog Officer or other authorized person shall take into custody and impound:
 - (1) Any dog off the premises of its owner which the Dog Officer or other authorized person has reason to believe is a stray dog;
 - (2) Any dog off the premises of the owner of the dog without a current registration tag on his collar; and
 - (3) Any female dog in heat and off the premises of the owner.
- B. If any dog, cat, or ferret seized wears a collar or harness to which is attached a registration tag, or if the owner is otherwise known, the Dog Officer or other authorized person shall forthwith serve on the owner a notice in writing stating that the dog, cat, ferret has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after the serving of notice. Notice may be served either by giving it to such person or by leaving it at the person's usual or last known place of abode, as determined by the registration tag or other available information.

- C. No dog, cat, or ferret shall be released or removed from confinement until the owner has provided proof that the dog, cat, or ferret is currently vaccinated against rabies, and all applicable license, board, and care fees have been paid. If the owner does not have proof that the dog, cat, or ferret is currently vaccinated against rabies, then the owner may post a \$25 cash bond with the Dog Officer or other authorized person to secure the release of the dog, cat, or ferret in order for the owner to obtain a rabies vaccination for the dog, cat, or ferret. If, within 72 hours of the dog, cat, or ferret's release the owner provides proof to the Dog Officer or other authorized person of obtaining a rabies vaccination for the dog, cat, or ferret, then the owner shall be refunded the full bond amount.
- D. When a seized dog, cat, or ferret has been detained for seven days after seizure, with due notice given as prescribed, and the owner has not claimed the dog, cat, or ferret, provided proof that the dog, cat, or ferret is currently vaccinated against rabies, procured a current license or exhibited evidence of a current license if necessary, and paid all applicable license, board, and care fees, the Dog Officer or other authorized person may cause the dog, cat, or ferret to be destroyed in the least painful manner possible.
- E. The Dog Officer or other authorized person may keep or cause to be kept in confinement any dog, cat, or ferret which, in that person's opinion, may be valuable or acceptable to new ownership, and see that such dog, cat, or ferret is placed in a new home. In order to expedite this alternative, the Dog Officer or other authorized person shall make available to the public, monthly, a list by number and other reference of dogs, cats, and ferrets available. Those persons desiring to procure said dogs, cats, or ferrets may do so by application to the Dog Officer or other authorized person and payment of applicable adoption and licensing fees.
- F. No dog, cat, or ferret which the Dog Officer or other authorized person has taken into custody for a second offense shall be released unless the person to whom the dog, cat, or ferret is released pays a penalty of \$25, as allowed by RSA 466:39, in addition to meeting all other requirements of this section. If said penalty is not paid within seven days after the dog, cat, or ferret is taken into custody, the dog, cat, or ferret may be destroyed in the least painful manner possible.

§ 93-7. Method of confinement.

The Mayor, with the assistance and cooperation of the Dog Officer, shall select a suitable place of confinement for impounded animals and those held under suspicion of rabies and after biting.

§ 93-8. Dog waste.

[Added 9-11-1996 by Ord. No. O-96-51]

- A. Duty to dispose. It shall be the duty of each person who owns, possesses or controls a dog to immediately remove and dispose of any feces left by his/her dog on any sidewalk, street or other public area. It shall further be the duty of each person who owns, possesses or controls a dog to immediately remove and dispose of any feces left by his/her dog on any private property neither owned nor occupied by said person, unless said private property owner or occupant agrees otherwise.
- B. Duty to possess means of removal/disposal. No person who owns, possesses or controls such dog shall appear with such dog on any sidewalk, street, park or other public area without the means of removal of any feces left by such dog. Furthermore, no person who owns, possesses or controls such dog shall appear with such dog on any private property neither owned nor occupied by said person without the means of removal of any feces left by said dog, unless said private property owner or occupier agrees otherwise. Disposal of such feces shall be in a manner consistent with all applicable laws.
- C. Enforcement/fines for violation. This section shall be enforced by the Nashua police department. Violation of this regulation shall be punished as provided in § 93-14 for each occurrence.

[Amended 2-26-2008 by Ord. No. O-08-07]

- D. Exemption. Compliance with this regulation is not required by any handicapped person who, by reason of his/her handicap is physically unable to comply with this section.

§ 93-9. Interference with Dog Officer.

[Amended 5-14-1996 by Ord. No. O-96-11]No person shall hinder, interfere with or molest the Dog Officer or such other persons as may be appointed as agents in the performance of any duty enjoined by this article.

§ 93-10. Effect of state law.

[Amended 5-14-1996 by Ord. No. O-96-11]It is the intention of the board of aldermen to include in this article not only those state statutes specifically referred to by title and number, but to embrace also all those others made a part of the law, and they are hereby included under this section by reference.

§ 93-11. Dog shelters; tethering.

[Amended 3-23-1999 by Ord. No. 0-98-90]

- A. If a dog is tied or confined outdoors under weather conditions that could adversely affect the dog's health (wind, rain, wet ground, sleet, snow, hail, cold, or heat), its owner or keeper shall provide it with access to shelter adequate to protect it from possible injury.
- B. The owner or keeper of a chained or tethered dog shall provide it with a properly applied harness or buckle type collar and tether configured so as to protect it from possible injury. Any chain or tether shall be of sufficient length to allow the dog to be able to easily stand, sit, lie, or turn about.

§ 93-12. Copy of Dog Ordinances to be given with licenses.

[Added 3-23-1999 by Ord. No. O-98-90; amended 2-26-2008 by Ord. No. O-08-07]A copy of the Nashua Dog Ordinances shall be given with each dog license issued.

§ 93-13. Noises from animals as a nuisance.

[Added 8-12-2003 by Ord. No. O-03-191]

- A. Noise from an animal which is sustained for periods of more than 30 minutes or which occurs between the hours of 10:00 p.m. and 6:00 a.m., which noise would annoy or disturb a person of normal sensibilities is found to be a nuisance.
- B. The owner of any animal who fails, by appropriate action, to effectively abate such a nuisance after being requested to do so by any person, shall be guilty of a violation.

§ 93-14. Violations and penalties.

[Amended 5-14-1996 by Ord. No. O-96-11; 8-11-1998 by Ord. No. O-98-42; 3-23-1999 by Ord. No. O-98-90; 8-12-2003 by Ord. No. O-03-191]Any owner found violating any provision of this article shall be guilty of a violation and upon conviction thereof shall be punished as provided in § 1-12 of the City Code, except that violation of an ordinance relating to dogs shall be punished by a fine of \$25.

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ARTICLE VII: DOGS AND OTHER PETS

Regulation of Animals in General

Section 6.701: ANIMAL BITES

It shall be the duty of every person bitten by an animal, or his or her parent or guardian, and any attending physician, to report to the Animal Control Officer the bite within twenty-four (24) hours. The report shall describe the circumstances of the bite and the name, address and telephone number of the owner or keeper of the animal to the extent known.

Section 6.702: NUISANCE ANIMALS

No owner, keeper or other person having control shall permit an animal to be a nuisance animal. For the purposes of this section, nuisance animal means any animal or animals which:

1. Molests or harasses passersby, domestic animals or passing vehicles in the public way;
2. Attacks or threatens persons or other domestic animals;
3. Punctures the skin of any person or domestic animal;
4. Damages property other than that of its owner;
5. Defecates off the premises of the animal's owner, and the owner, or other individual in control of the animal, fails to remove such deposit immediately;
6. Barks, whines, howls or cries in a continuous fashion for more than thirty (30) minutes.

Section 6.703: CRUELTY

It shall be unlawful to torture, torment or neglect any animal as provided in RSA 644:8 and the penalties set forth therein shall apply.

Section 6.704: RABIES VACCINATION

Every owner or keeper of any dog, cat or ferret shall be required to obtain such rabies vaccination as may be proscribed by RSA 436-100 as it may from time to time be amended.

Regulation of Dogs

Section 6.705: DEFINITIONS

The following definitions shall apply to this article:

At-large. At-large shall mean not under the control of the owner, or another individual either by leash, cord, chain or other similar means of physical restraint.

Dog. Dog shall include both male and female of the canine species. Dog shall also mean any animal which is considered to be a wolf-hybrid as defined in RSA 466-A.

Enforcement official. Enforcement official when used herein shall mean any Animal Control Officer, Police Officer, or other individual authorized to enforce the provisions of this chapter and such state statutes pertaining to animals.

Keeper. A keeper shall be any person or persons, firm, association or corporation who has temporary control or responsibility for a dog with the permission of the Owner.

Owner. Owner shall include any person or persons, firm, association or corporation owning, keeping or harboring a dog. The owner identified on any current dog license shall be prima facie evidence of the ownership of the dog.

Vicious dog. Vicious dog shall mean a dog that, without provocation, attacks or bites a person or other domestic animal.

Section 6.706: AT-LARGE PROHIBITED

- a. Prohibition. Except as exempted below, no person shall permit a dog owned by him or her or under his or her control to be at-large as defined by this Ordinance or to trespass upon the property of another, public or private.
- b. Exemptions. A dog shall not be deemed at-large if it is:
 1. On the premises of the dog's owner;
 2. On the premises of the person under whose control the dog is supervised ;
 3. On the premises of another person as long as that person has given permission for the dog to be at-large;
 4. In any designated off-leash dog area managed and regulated by the City of Portsmouth. Designated off-leash areas shall be any City property posted under the authority of the Public Works Department as an off-leash area.
- c. No Defense. Failure of a Keeper to comply with this provision shall not relieve the Owner of responsibility from compliance.

Section 6.707: CONDUCT IN OFF-LEASH AREAS

- a. Voice Control and Observation on Private Property. Every person who allows a dog to be off-leash in the designated areas under section 6.706(b)(1)- (3) shall maintain voice control over the dog and shall keep the dog under observation at all times unless the dog is contained by an invisible fence system or enclosure sufficient to prevent the dog from leaving the premises.

- b. Voice Control and Observation on Public Property. Every person who allows a dog to be off-leash in a designated area under section 6.706(b)(4) shall, unless excepted under subsection c below, maintain voice control over the dog and shall keep the dog under observation at all times.
- c. South Mill Pond Dog Park Rules: Dogs are permitted to be off-leash and not under voice control in the dog park. Due to the risks associated with this activity, the following shall apply:
 - 1. Entry into the dog park is restricted to persons age 12 and older
 - 2. Dogs must have current licenses and vaccination tags;
 - 3. Dogs must be under observation;
 - 4. Dogs must be spayed or neutered that are one year or older;
 - 5. Spike and choke collars must be removed; and
 - 6. Dog owners are responsible for their dogs' actions.

Section 6.708: LICENSE

Every owner of a dog more than four (4) months old shall be required to license such dog within 30 days of ownership and annually thereafter with the City Clerk in the manner proscribed by RSA 466 as it may be from time to time amended. The fee for this license shall be set at the maximum amount permitted by state law. Failure to license any dog as provided in this section shall be a violation and the penalty shall be \$25.00 and not those penalties set forth in Section 6.710. [Amended 04/16/2012]

Section 6.709: REMOVAL OF DOG WASTE REQUIRED

The owner, keeper or person in control of any dog shall be responsible for the removal of any defecation deposited by such dog on any public or private property.

Penalties, Impoundment and Enforcement

Section 6.710: PENALTIES

An offense of any provision of this chapter by any person shall be deemed a violation and shall be punishable by the following penalties:

- 1. First offense. A first offense of any provision of this chapter in any twelve-month period shall be punishable by a fine of fifty dollars (\$50.00)
- 2. Second offense. A second offense of any provision of this chapter in any twelve-month period shall be punishable by a fine of one hundred dollars (\$100.00).
- 3. Third and subsequent offenses. A third or subsequent offense of any provision of this chapter in any twelve-month period shall be punishable by a fine of two hundred dollars (\$200.00).

In addition to the penalties provided in this section, any animal found in violation of this chapter may be impounded as provided in Section 6.711 of this chapter.

Section 6.711: IMPOUNDMENT

- a. Authority to Impound. Animals who have bitten or are in violation of any provision of this chapter may be taken by any enforcement official and impounded in a humane manner.
- b. Place of Impoundment. Animals shall be impounded with such area veterinarians and/or animal welfare organizations as any enforcement official may deem reasonable and appropriate.
- c. Impoundment and Boarding Fees. The owner of any animal impounded under the provisions of this chapter shall be responsible for all impoundment and boarding fees. Owner shall make payment directly to the veterinarian or animal welfare organization to obtain release of the animal.
- d. Disposition of Unredeemed Animals. If any impounded animal is not redeemed within (7) days of its impoundment, it may be adopted or given away in accord with the policies and practices of the veterinarian or organization responsible for impoundment. If any unredeemed animal is not adopted or given away because of disease, temperament or other cause, it shall be euthanized in a humane way. The impoundment period may be waived by the enforcement official in case of a severely injured animal whose owner cannot be located or is unwilling to claim the animal.
- e. Collection. Any sums owed under this chapter may be collected in a civil action brought under this section.
- f. Interference with Impoundment. Any person who interferes with the impounding of an animal or releases, or who attempts to release, an impounded animal contrary to this article shall be in violation of this chapter and may be subject to such additional charges as may be applicable under the criminal code.
- g. Notice of Impoundment. Within twenty-four (24) hours of the impoundment of any animal, the enforcement official shall make every reasonable attempt to notify the owner of the impounded animal of such impoundment. Such notice shall include either personal contact with the owner or a written notice posted at the dwelling house of the owner.
- h. Surrender for Impoundment. The enforcement official may elect to demand the surrender of any animal when there are reasonable grounds to believe the safety of the public or the animal will be benefited by such action. Reasonable grounds shall include without limitation: the impoundment of any animal that has bitten; risk of flight with the animal; or that the animal is or will within 48 hours be the subject of any complaint filed with the Animal Control Committee. The enforcement official shall provide a written summary to the Owner of the reasons for the demand for

surrender. Failure to surrender any animal upon demand shall be a violation of this ordinance the penalty for which is \$100 per day and not the penalties set forth under 6.710.

Section 6.712: ANIMAL CONTROL COMMITTEE

- a. Animal Control Committee Established. For purposes of this section, an Animal Control Committee is established. The Animal Control Committee shall be comprised of the Police Chief or his/her designee a veterinarian who shall be paid for his/her time, and a resident of Portsmouth appointed by the Mayor. The Police Chief or his/her designee shall be the Chair of the Committee. The designated Animal Control Officer shall be the prosecuting officer for any complaint brought before the Committee.
- b. Vicious Dogs. The Animal Control Officer or a City resident may make a written complaint directed to the Chair of the Animal Control Committee that a dog is alleged to be vicious as defined in Section 6.705.
- c. Repeated Dog at Large. In the event that any dog shall be found to be at-large three (3) or more times in a twelve-month period, the Animal Control Officer or a City resident may make a written complaint directed to the Chair of the Animal control Committee.
- d. Repeated Nuisance Animals. In the event that any animal shall be found to be a nuisance three (3) or more times in a twelve-month period, the Animal Control Officer or a City resident may make a written complaint to the Chair of the Animal Control Committee.
- e. Procedure. The Committee shall hear all complaints described in paragraphs b, c and d of this section. All hearings shall be public and the rules of evidence shall not apply. If the animal is impounded when the written complaint is filed, the hearing shall be within fourteen (14) days. All other complaints shall be heard within thirty (30) days.
- f. Orders. The Animal Control Committee may issue such orders as are necessary to protect the public and/or the animal. Such orders may include, but are not limited to: confinement in a secure enclosure or other similar restriction; muzzling; training; adoption; restricting the sale or transfer of the animal; requiring permanent identification; or euthanization in a humane manner. The Committee shall also have the authority to require proof of owner's adequate insurance or resources in the event of any future claims for damage by the subject animal. In addition, the Animal Control Committee may revoke the privilege of any owner to keep, harbor or have custody of any animals while in the City and that no new privileges be granted. The Animal Control Committee shall have the authority to modify such orders without hearing upon the agreement of the Owner and the enforcement official that a modification would be in the best interest of the public or the animal.

- g. Penalty For Violation Of Orders. Any person who violates any provision of any order of the Animal Control Committee shall be in violation of this ordinance and subject to a penalty of fifty dollars (\$50.00) for each day of non-compliance.

Section 6.713: INTERFERENCE WITH ENFORCEMENT OFFICIALS

Any person or persons who hinders, interferes with, obstructs or uses abusive or profane language against any enforcement official when in the course of their duties shall be in violation of this ordinance and subject to a penalty of \$100.00.

Section 6.714: PAYMENT OF PENALTIES

Any penalties and fines assessed pursuant to this ordinance may be paid to the Clerk of Court of the Portsmouth District Court at any time prior to trial.

Section 6.715: SEPARABILITY OF PROVISIONS

Each provision of this Ordinance shall be deemed independent of all other provisions herein, and if any provision of this Ordinance is declared invalid, all other provisions shall remain valid and enforceable.

(Ordinance deleted in its entirety and replaced on May 16, 2005)

NOT AN OFFICIAL DOCUMENT

§ 466:31. Dogs a Menace, a Nuisance or Vicious.

New Hampshire Statutes

Title 45. ANIMALS

Chapter 466. DOGS AND CATS

Muzzling and Restraining Dogs

Current through Chapter 290 of the 2012 Legislative Session

§ 466:31. Dogs a Menace, a Nuisance or Vicious

I. [Repealed.]

II. Under this section, a dog is considered to be a nuisance, a menace, or vicious to persons or to property under any or all but not limited to the following conditions:

(a) If a dog is "at large," which means it is off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, unless accompanied by the owner or custodian. This subparagraph shall not include a dog which is being used for hunting, supervised competition, exhibition, or training for such activities if accompanied by the owner or custodian, or a dog which is guarding, working, or herding livestock, as defined in RSA 21: 34-a, II(a)(4), meaning that the owner or custodian must be able to see or hear the dog, or have reasonable knowledge of where the dog is hunting or herding, or where training is being conducted or where trials are being held, provided that such dog does not have to be within sight at all time;

(b) If it barks for sustained periods of more than 1/2 hour, or during the night hours so as to disturb the peace and quiet of a neighborhood or area, not including a dog which is guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a);

(c) If it digs, scratches, or excretes, or causes waste or garbage to be scattered on property other than its owner's;

(d) If any female dog in season (heat) is permitted to run at large or be off the premises of the owner or keeper during this period except when being exercised on a leash by a responsible adult. At all other times such dog shall be confined within a building or enclosure in such manner that she will not come in contact (except for intentional breeding purposes) with a male dog. A female dog in heat shall not be used for hunting;

(e) If it growls, snaps at, runs after, or chases any person or persons not on the premises of the owner or keeper;

(f) If it runs after, or chases bicycles, motor vehicles, motorcycles, or other vehicles being driven, pulled or pushed on the streets, highways, or public ways;

(g) If, whether alone or in a pack with other dogs, it bites, attacks, or preys on game animals, domestic animals, fowl or human beings.

II-a. If the skin of a person has been punctured by a dog and the incident was reported, including the identity of the dog and its owner, to the animal officer, if any, or to the town clerk, such officer or clerk shall, within 24 hours, notify the injured person, or, in the case of a minor, the minor's parent or guardian, whether, according to town records, the dog has been appropriately immunized against rabies.

III. (a) Any person who fails, by appropriate action including but not limited to restraining an animal from running at large, or otherwise effectively abating a nuisance found such under the provisions of this section, or who fails to comply with any other provisions of this section after being so ordered, shall have the person's dog taken into custody by the police of the city, constable of the town, or other person authorized by the town and such disposition made of the dog as the court may order.

(b) Notwithstanding RSA 466:31-a, II(a)(4), if a law enforcement officer does not witness the nuisance behavior, the name of the complainant shall be released as public information before any fine under RSA 466:31-a shall be levied.

Cite as NHRS 466:31

Note:

1951, 52:1. RSA 466:31. 1957, 148:1. 1967, 294:1. 1969, 239:1. 1973, 531:125. 1977, 222:1. 1989, 158:4. 1994, 353:10, 14, 1995, 298:20, eff. Jan. 1, 1996. 2006, 11:2, eff. Mar. 3, 2006. 2007, 244:1, eff. Aug. 27, 2007.

§ 466:31-a. Penalties.

New Hampshire Statutes

Title 45. ANIMALS

Chapter 466. DOGS AND CATS

Muzzling and Restraining Dogs

Current through Chapter 290 of the 2012 Legislative Session

§ 466:31-a. Penalties

I. Any person who violates any provision of RSA 466:31 shall be guilty of a violation; provided that if such person chooses to pay the civil forfeiture specified in paragraph II, the person shall be deemed to have waived the right to have the case heard in district or municipal court and shall not be prosecuted or found guilty of a violation of RSA 466:31. Any person who does not pay the civil forfeiture specified in paragraph II shall have the case disposed of in district or municipal court.

II. Any person who violates any of the provisions of RSA 466:31 shall be liable for a civil forfeiture, which shall be paid to the clerk of the town or city wherein such dog is owned or kept within 96 hours of the date and time notice is given by any law enforcement officer or other person authorized by the town to the owner or keeper of a dog in violation of RSA 466:31. If the forfeiture is paid, said payment shall be in full satisfaction of the assessed penalty. The forfeiture shall be in the amount as specified for the following violations:

(a) \$25 for the first nuisance offense under RSA 466:31, II(a), (b), (c) or (d); \$100 for the second or subsequent nuisance offense committed within 12 months of the first nuisance offense under RSA 466:31, II(a), (b), (c) or (d).

(b) \$50 for the first menace offense under RSA 466:31, II(e) or (f); \$200 for the second or subsequent menace offense committed within 12 months of the first menace offense under RSA 466:31, II(e) or (f).

(c) \$100 for the first vicious offense under RSA 466:31, II(g).

(d) \$400 for the second or subsequent vicious offense committed within 12 months of the first vicious offense under RSA 466:31, II(g).

III. Any person who pays a civil forfeiture specified in paragraph II 2 times in any 12-month period according to the records of the town or city clerk, may not pay a civil forfeiture for subsequent

violations of RSA 466:31 in that 12-month period, but shall have those cases disposed of in district or municipal court. In the case of a vicious dog, as described by RSA 466:31, II(g), where its behavior presents a threat to public safety, immediate district court or municipal court proceedings may be initiated in lieu of the civil forfeiture.

Cite as NHRS 466:31-a

Note:

1977, 222:2. 1989, 158:5, 6. 1994, 353:11, 12. 1995, 298:21, eff. Jan. 1, 1996. 2007, 244:2, eff. Aug. 27, 2007; 339:3, eff. Jan. 1, 2008.

*Matthew Normand
City Clerk*



*Heather Freeman
Assistant City Clerk*

*JoAnn Ferruolo
Assistant City Clerk*

CITY OF MANCHESTER
Office of the City Clerk

MEMORANDUM

To: Chairman Ouellette
Committee on Public Safety, Health and Traffic

From: Alderman William P. Shea *W. P. S.*
Ward 7

Date: June 5, 2012

Re: Regulations and Penalties for Aggressive Animals

After a recent incident of a dog attack in the city, I am requesting the Committee on Public Safety, Health and Traffic review the City and State regulations, policies and penalties regarding aggressive animals or animal attacks.

Thank you.

Date: 6/05/12
On motion of Ald. Ouellette
Seconded by Ald. Shea
Voted to refer to the Committee on Public Safety,
Health and Traffic.

Matthew Normand City Clerk

Freeman, Heather

From: Arnold, Thomas
Sent: Tuesday, June 05, 2012 1:48 PM
To: Freeman, Heather
Subject: FW: Pit Bull Attack

From: Lucinda Boutin [mailto:lucindaboutin@me.com]
Sent: Thu 5/31/2012 11:05 AM
To: O'Neil, Daniel
Subject: Pit Bull Attack

Dear Alderman O'neil,

Friday, March 18, 2012, my 14lb Rat Terrier, Sammy and I were viciously attacked by a neighbor's pit bull. I have never seen so much blood or screamed so long. This violent and vicious dog, "Mikey" has attacked 5 other dogs in our neighborhood. During the attack, traffic on Mammoth Road came to a stop and people got out of their cars and were trying to help. It was the most horrifying experience I've ever had. People were calling 911 and the police informed callers they weren't coming because it was the ACO's responsibility. My dog's wounds needed immediate attention so my neighbor drove us to AVC for emergency care. I was completely covered in blood and completely in a state of shock. Sammy was treated for multiple puncture wounds and tears to his neck and damage to his eyeball. The next morning at 5 am I woke up in terrible pain. I realized I had a puncture wound on my left hand and my right hand was swollen and needed an x-ray. Sammy and I will recover physically but the emotional scars are life-altering. Since the attack, four women have called me to offer support because within the last year, they and/or their dogs were attacked by pit bulls in Manchester. In one case, this woman's dog was torn apart and killed right in front of her. I cried when I spoke with her on the phone that evening. Clearly, life after a pit bull attack will never be the same. Pit bulls have the highest vicious attack rate of any breed with the Rottweiler being second. These are called the "Bully Breeds". They have been genetically mutated to kill.

I love this beautiful city of Manchester. I've always felt safe here. But our city is growing and with that, we have a new danger in our city that requires immediate attention and correction. Why did 911 dispatch disregard the seriousness of this issue? The number of bully breeds in the city of Manchester is growing and proportionately, so are the number of attacks. We in the Chase Houses on Mammoth Road live in fear every day now. This is terrorism minus the political agenda. "Mikey" will attack again. Who's the next victim? Might it be a child? No one knows until the next attack happens. Based upon his history, he will attack again. We need an amendment to the current ordinance/laws regarding violent dog attacks. I am proposing the following changes:

Currently the citation for a first violent attack is a fine of \$100 and the dog is to be quarantined for 10 days. That is insulting to the victim. The fine should be increased to \$500 along with the 10 day quarantine. This would deter people from adopting and or buying a bully breed capable of a vicious attack. In addition to the citation, fine and the

quarantine, the owner must muzzle the dog whenever it is outside - period. It has no right to a second opportunity to reign terror and draw blood.

Secondly, when there is an attack, the police must respond and an initial report **MUST** be made. The ACO can certainly take the case from there when he is back in the office, but **IMMEDIATE** help and documentation is essential for public safety. If a report had been taken for the first five attacks by "Mikey" the pit bull, Sammy and I would not have been attacked.

And lastly, there needs to be a more accurate and accessible database to maintain reports of attacks. Many vicious dog attacks go undocumented because the 911 dispatchers refuse to send help if it is a dog-on-dog attack and telephone tag is played with the A.C.O. because one person can not do the job of what should be many. Officer Vogler did a fantastic job for me. But the five prior attacks from this specific pit bull - calls were made but contact and reporting didn't happen. Dog attacks are extremely violent. If we are going to allow residents of Manchester to own lethal and vicious bully breeds, they must be tracked and records must be maintained and be accessible by the police - not just the ACO. Attacks don't always happen 9-5, Monday through Friday.

These proposed changes are prudent and in the best interest of the citizens of Manchester and their beloved pets. I look forward to working with you to keep Manchester safe for all.

Sincerely, Lucinda M. Boutin 48 Mammoth Road Manchester NH 03109 603-660-0272

Lucinda M. Boutin

General Provisions

- 90.01 Humane Officer
- 90.02 Horses on streets and commons restricted
- 90.03 Hitching animals to or near trees
- 90.04 Dog fouling prohibition

Dogs

- 90.10 Definitions
- 90.11 License required
 - 90.11.1 Exclusions from annual warrant list
- 90.12 Running at large prohibited
- 90.13 [Reserved]
- 90.14 Liability for damages
- 90.15 Impoundment
- 90.16 Notice; redemption of impounded dogs; fees
- 90.17 [Reserved]
- 90.18 Disposition of unclaimed dogs

Rabid Animals

- 90.30 Destruction of rabid animals authorized
- 90.99 Penalty

GENERAL PROVISIONS

§ 90.01 HUMANE OFFICER.

For the purpose of enforcing the provisions of this chapter, the position of Humane Officer is hereby established at a salary to be fixed by the Board of Mayor and Aldermen. The Humane Officer will be responsible to the Board of Police Commissioners, and will be directly supervised by the Chief of Police.

('71 Code, § 4-22) (Ord. passed 12-17-63; Am. Ord. passed 7-23-68)

§ 90.04 DOG FOULING PROHIBITION.

(A) *Violation.* It shall be unlawful for any person owning, possessing or controlling a dog on any sidewalk, street or public area or on any private property neither owned or occupied by said person to:

(1) Fail to carry any article or means to remove any feces left by such dog; or

(2) Fail to remove and dispose of any feces left by such dog in a manner consistent with law.

(B) *Enforcement.* This section shall be enforced only if the failure to appear without a means of removal or the failure to remove and dispose of said dog feces occurs in the presence of a law enforcement officer.

(C) *Exception.* This section shall not apply to any dog accompanying a person mentally or physically impaired and who because of such impairment is unable to comply with the requirements of this section.

('71 Code, § 17-25(a),(b),(d)) (Ord. passed 2-17-93; Am. Ord. passed 8-6-96)

Cross reference:

Citation penalties, see § 38.06

DOGS

§ 90.10 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AT LARGE. Off the premises of the owner and not under the control, at all times, of the owner or a member of his immediate family or a person of sufficient age and strength to effectively restrain the dog either by leash or chain.

DOG. Any canine animal, male and female, sexed or neutered.

OWNER. Any person, firm, association, or corporation owning, keeping, or harboring a dog.

('71 Code, § 4-21) (Ord. passed 12-17-63)

Statutory reference:

Authority of city to regulate the keeping of dogs and their running at large, require them to be licensed, and authorize the

destruction of those kept or running at large contrary to the ordinance, see R.S.A. 47:17 (XI)

Dogs, generally, R.S.A. Ch. 466

§ 90.11 LICENSE REQUIRED.

(A) All dogs kept, harbored, or maintained by their owner or keeper in the city shall be licensed annually in accordance with the provisions of R.S.A. Ch. 466 at fees established as follows:

Puppies (4 to 7 months old) \$7.50

Neutered male/spayed female \$7.50

Male/female \$10.00

Senior citizen owner

First dog \$3.00

Group license

Five or more dogs \$20.00

(B) There shall be a charge of \$1.00 for each month or any part thereof that the fees remain unpaid if said fees are not paid before June 1 in any year.

('71 Code, § 4-13) (Ord. passed 10-16-62; Am. Ord. passed 6-3-03; Am. Ord. passed 2-1-05) Penalty, see § 90.99

§ 90.11.1 EXCLUSIONS FROM ANNUAL WARRANT LIST.

In compiling the annual list of owners of dog(s) who have not renewed their licenses pursuant to R.S.A. 466:14, the Office of the City Clerk may exclude from the list the names of owners or keepers whose dog(s), based upon city records, have been sold or are deceased at the time renewal of the license is required. The Office of the City Clerk may also exclude from the list the names of owners or keepers of dog(s) who, based upon city records, no longer reside in the city.

(Ord. passed 6-17-99) Penalty, see § 90.99

§ 90.12 RUNNING AT LARGE PROHIBITED.

(A) No owner or keeper of any dog shall permit such dog, whether licensed or unlicensed, to run at large within the city at any time.

(B) Notwithstanding anything in this section to the contrary, no person shall be compelled to keep any dog in his possession on a leash while in or upon any public street, alley, park, parkway, or other public place in the city, if the dog is securely confined in an automobile.

(C) Notwithstanding any definition to the contrary, a dog shall be deemed "at large" if that dog is on or being walked upon a public street, parking lot or facility, sidewalk, or right-of-way adjacent to a street and is not actually on a leash or chain or within a carrier which is in the possession of a person of sufficient strength and age to effectively restrain the dog.

('71 Code, § 4-23) (Ord. passed 12-17-63; Am. Ord. passed 4-4-00) Penalty, see § 90.99

Cross reference:

Citation penalties, see § 38.06

§ 90.13 [RESERVED].

(Previous section repealed on 6-5-00)

§ 90.14 LIABILITY FOR DAMAGES.

Should any dog which has been found to have damaged or destroyed personal property, the owner or keeper of said dog shall be liable for the damages caused after the case has been disposed of by the court and the owner or keeper found guilty of the charges preferred.

('71 Code, § 4-15) (Ord. passed 10-16-62)

§ 90.15 IMPOUNDMENT.

It shall be the duty of every police officer to apprehend any dog found running at large contrary to the provisions of § 90.12 of this chapter and to impound such dog in a suitable place.

('71 Code, § 4-24) (Ord. passed 12-17-63)

§ 90.16 NOTICE; REDEMPTION OF IMPOUNDED DOGS; FEES.

If an impounded dog has upon it the name or address of the owner, or such name or address is otherwise known, the Police Department shall notify the owner within 24 hours after seizure of such dog. Notice of impounded dog shall be in writing by registered mail, postage prepaid, and shall be construed as having been given at the time of posting thereof. If the dog impounded does not have the name or address of the owner, and if the owner is not otherwise known, then no notice shall be necessary.

('71 Code, § 4-25) (Ord. passed 12-17-63; Am. Ord. passed 2-15-77; Am. Ord. passed 4-3-84; Am. Ord. passed 6-5-90; Am. Ord. passed 10-1-96; Am. Ord. passed 11-28-00)
Penalty, see § 90.99

§ 90.17 [RESERVED].

(Previous section repealed on 11-28-00)

§ 90.18 DISPOSITION OF UNCLAIMED DOGS.

Any dog which had been impounded by the Friends of the Manchester Animal Shelter and has not been redeemed by the owner shall be disposed of, by adoption or other appropriate manner, by the Friends of the Manchester Animal Shelter; provided, that any such dog shall be held for at least seven days after impounding, and in those cases where it is required that notice be given the owner, the dog shall be held for at least four days after the required notice has been given.

('71 Code, § 4-27) (Ord. passed 12-17-63; Am. Ord. passed 6-5-00)

RABID ANIMALS

§ 90.30 DESTRUCTION OF RABID ANIMALS AUTHORIZED.

Any animal that is mad or rabid shall at once be destroyed by a representative of the Department of Health or the Police Department. Any animal which is found upon examination by a veterinarian of the department of health to be rabid shall be surrendered to the department of health by the person owning or having possession thereof and shall be destroyed by the Department of Health.

('71 Code, § 4-38) (Ord. passed 3-20-56)

Statutory reference:

Rabies Control, see R.S.A. 436:99 et seq.

Dogs which are a menace, nuisance, or vicious, see R.S.A. 466:31

§ 90.99 PENALTY.

(A) Any person who violates § 90.11 of this chapter shall be subject to the civil forfeiture penalty set forth in R.S.A. 466:13. Any person who fails to timely pay the aforementioned civil forfeiture penalty shall, upon conviction, be punished by a fine not to exceed the maximum allowed by R.S.A. 47:17 or other law for each offense.

(B) Any person who violates any other provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty set forth in § 10.99 of this code.

('71 Code, § 17-25(c)) (Ord. passed 2-17-93; Am. Ord. passed 8-3-99)

466:39 City or Town Bylaws. – The local governing body may make such additional bylaws and regulations concerning the licensing and restraining of dogs as it deems reasonable, and may affix penalties not exceeding \$50 for a breach thereof. Such bylaws and regulations shall relate only to dogs owned or kept in such city or town, and the annual fee required for a license shall in no case be more than \$1 in addition to the sum hereby required.

(b) The selectmen shall hold a public hearing on the question at least 15 days but not more than 30 days before the annual meeting. Notice of the hearing shall be posted in 2 public places in the town and published in a newspaper of general circulation in the town at least 7 days in advance.

(c) Voting shall be by official ballot if that system has been adopted by the town. In other towns, voting shall be by a special ballot prepared by the clerk.

III. In a city, the question shall be placed on the official ballot for any regular municipal election upon a vote of the city council or upon submission to the city council of a petition signed by 5 percent of the registered voters.

IV. Any town or city which has adopted RSA 466:30-a may rescind its adoption by majority vote of those voting on the question submitted to the voters in the same manner as provided for adoption under paragraph II or III. The question on rescission shall read: "Shall we rescind our adoption of RSA 466:30-a concerning dog control so that it will no longer be unlawful for a dog to run at large in this town (or city)?"

V. A town or city which either does not adopt, or rescinds its adoption of, RSA 466:30-a, may adopt other ordinances pertaining to dogs running at large under RSA 31:39 or RSA 47:17, XI.

Section 466:30-a

466:30-a Dog Control Law. –

I. Notwithstanding any other provisions of this chapter, it shall be unlawful for any dog to run at large, except when accompanied by the owner or custodian, and when used for hunting, for guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4), for supervised competition and exhibition, or for training for such. For the purpose of this section, "accompanied" means that the owner or custodian must be able to see or hear, or both, or have reasonable knowledge of where the dog is hunting, where training is being conducted, where trials are being held, or where the dog is guarding, working, or herding livestock. Nothing herein provided shall mean that the dog must be within sight at all times.

II. In this section, "at large" means off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, unless accompanied by the owner or custodian.

III. Any authorized person may seize, impound or restrain any dog in violation of this section and deliver said dog to a person or shelter authorized to board dogs. Such dogs shall be handled as strays or abandoned dogs pursuant to applicable laws.

IV. In addition to impounding a dog found at large or in violation of this section, any local law enforcement officer may issue, in the name of the owner or keeper of such dog, a notice of violation for a nuisance dog pursuant to RSA 466:31, II(a).

V. The provisions of this section shall not be effective in any city or town unless adopted by a city or town pursuant to RSA 466:30

Matthew Normand
City Clerk

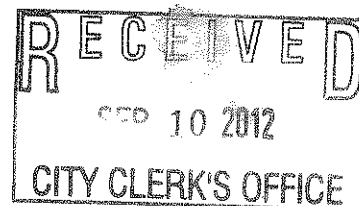


Heather Freeman
Assistant City Clerk

JoAnn Ferruolo
Assistant City Clerk

CITY OF MANCHESTER
Office of the City Clerk

MEMORANDUM



TO: Committee on Public Safety, Health & Traffic
Aldermen Katsiantonis, Long, Roy, Osborne

FROM: Patrick Arnold *PA Arnold*
Alderman – Ward 12

DATE: September 10, 2012

RE: Traffic Signal at Front Street and Dunbarton Road

As the Committee is aware, traffic volume and congestion on Front Street has been worsened by nearby developments over the Hooksett border. In October 2011, I requested the Committee to authorize a traffic signal study for the intersection of Front Street and Dunbarton Road.

At your meeting on February 6, 2012, the Committee received the notification under cover from the Deputy Traffic Director that the above-referenced intersection met the warrant criteria for a full traffic signal. Additionally, the Committee was provided a copy of the traffic study performed in 2007 which verified the justification of fully signaling the intersection.

I respectfully request the Committee to reconsider authorizing the upgrade of the intersection at Dunbarton Road and Front Street to a full traffic signal.

Thank you in advance for your consideration.

In Board of Mayor and Aldermen
Date: 9/18/12
On motion of Ald. O'Neil
Seconded by Ald. Levasseur
Voted to refer to the Committee on
Public Safety, Health and Traffic.

Matthew Normand
City Clerk



CITY OF MANCHESTER
Board of Aldermen

MEMORANDUM

TO: Committee on Public Safety, Health & Traffic
Aldermen Katsiantonis, Long, Roy, Osborne, and Gamache

FROM: Alderman Patrick Arnold *PA.*

RE: Parking regulations – Country Club Drive

DATE: January 7, 2013

The Board of Mayor and Aldermen has made several changes to parking regulations on Country Club Drive over the years. Currently, parking is allowed on only one side of the street.

This presented a particularly difficult situation during the most recent snowfall on or about December 29, 2012. Following the snowfall, the city issued an emergency/temporary parking ban on the only side of the street where cars are allowed to park.

Clearly, it is appropriate for the Department of Public Works to exercise its duties concerning plowing and snow removal. Furthermore, I was also glad to learn that city staff worked with the residents as best they could in their enforcement of the emergency/temporary parking ban during the last weekend in December. Nonetheless, this situation gives rise to the need for considering alternatives to the current regulation.

I have had discussions previously with the Public Works Director concerning this issue. I respectfully request that the Committee, in conjunction with the Department of Public Works, consider an alternative to the current parking regulation on this street.

Thank you in advance for your consideration.